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Seminar on Montesquieu

A course offered in spring quarter, 1966

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Session 1: March 28, 1966

[In progress] **Leo Strauss:**¹ This is a continuation of a course I gave in the last quarter on Montesquieu's *Spirit of Laws*. That quarter we discussed the first twenty books, and so we will discuss only the last eleven books in this quarter. And since these eleven last books are not of the same theoretical interest, not all of them, we will be soon² [finished].³ I thought we should devote the rest of this quarter to the *Persian Letters*, the other great work of Montesquieu, which is available also in an English translation.

Will you take this down please, everyone who wishes to take the course for credit or not for credit. On the tenth meeting of this course, *Persian Letters* #1-23; eleventh meeting, #24-47; twelfth, #48-67; thirteenth, #68-93; fourteenth, #94-105; fifteenth, #106-136; and the sixteenth, which will be the last meeting, #137-end. I will not speak now about the *Persian Letters*. We will come to that later.

Now let me give you a summary of the results at which we arrived last time. First the title, *Spirit of Laws*: what would be a good rendering of it? Something like, the causes of laws, *rationes legum*, the ends of the laws, of all laws anywhere. Of course, Montesquieu doesn't discuss all laws but only the laws which are⁴ of general interest. And what these causes are is to be understood ultimately in terms of the nature of man, but the nature of man as modified by a surveyable number of factors. The word "factors" is not used by Montesquieu. That is a word which is quite common in our age. We can, nevertheless, use that term. The number is surveyable. If it were unsurveyable, infinite, we wouldn't get any understanding⁵ [or] wisdom from that study.

Now Montesquieu occupies a particular position among the great political philosophers because he more than anyone else up to his time is regarded also as a sociologist before there was sociology proper. So the question with which we are confronted if we follow the discussions of the nineteenth and twentieth centuries is, what precisely is the relation between political philosophy and sociology in Montesquieu?⁶ To explain this distinction provisionally: political philosophy is meant to be normative, whereas sociology is meant to be descriptive, or analytical, or in its more recent forms, there are no value judgments permitted in sociology as sociology. Now how are these two heterogeneous tendencies worked together in Montesquieu's work?

Montesquieu⁷ has no objection to value judgments, as little as the very founder of sociology, Auguste Comte, had. Perhaps there are some obstacles to a value free study of man and society. Now this would not by itself mean that political philosophy is possible or necessary; for political philosophy does not make merely the premise that norms are necessary, it makes also the further premise that there are universally valid norms—valid at all times and all places [and] coeval with man himself.

Yet perhaps there are norms, perhaps there must be norms, but they do not have to be universally valid.⁸ This is the position taken by historicism. And therefore it is perhaps better to say that the problem in Montesquieu is not simply that of political philosophy

and sociology, but between political philosophy and historicism—that history creates a problem.⁹ One can define historicism as follows, that it denies the fundamental importance of the distinction between nature and convention. The distinction between nature and convention [underlies] the more common [and well-known] distinction¹⁰ between natural law and positive law. One can therefore say that the thesis of historicism is that there is no natural law, that is to say, not *the* natural law. But there are¹¹ a variety of natural laws belonging to different situations. In this form the thesis was stated by Vico prior to Montesquieu. In present-day language there are not *the* values, but only the values constituting a given culture. And these values differ therefore from culture to culture or from people to people. Now we must also think of this problem of history if we want to have a sufficiently broad horizon for understanding Montesquieu.

To turn now to Montesquieu himself, it is clear that both the normative and the non-normative element is present. Let us only look at the book headings of Books VIII and IX. Mr. Reinken, will you read these two headings?

Mr. Reinken: Book VIII: “Of the Corruption of the Principles of the Three Governments.”ⁱ

LS: “Corruption” is of course a value judgment. But this is perhaps not so clear. Let us take the heading of Book V.

Mr. Reinken: “That the Laws given by the Legislator ought to be in Relation to the Principles of Government.”ⁱⁱ

LS: Yes, there are quite a few books in whose headings the word “ought” occurs. Let us turn to Book IX.

Mr. Reinken: “Of Laws in the Relation They Bear to a Defensive Force.”ⁱⁱⁱ

LS: No, “which they have,” not “ought to have with the defensive force.”¹² There are other cases of this kind. So the book titles themselves make this perfectly clear, that both ingredients are there. But what is their relation?¹³ Here I must ask those who have taken the course in the last quarter that they go with me again over the same ground. It is perfectly sufficient for clearing up the relation of the normative and the non-normative in Montesquieu’s work to read the preface of the book with some care, which we will do now. We don’t have to read the whole, only the most pertinent passages. Let us read, begin with the third paragraph.

Mr. Reinken: “I have first of all considered mankind—”

LS: “examined men.” Yes.

ⁱ Charles de Montesquieu, *The Spirit of Laws*, translated by Thomas Nugent, vol. I (New York: Colonial Press, 1900), vo. I, bk. VIII, ch. 1, 109.

ⁱⁱ *Spirit of Laws*, vol. I, bk. V, 40.

ⁱⁱⁱ *Spirit of Laws*, vol. I, bk. IX, 126.

Mr. Reinken: “—examined men, and the result of my thoughts has been, that amidst such an infinite diversity of laws and manners, they were not solely conducted by the caprice of fancy.

“I have laid down the first principles, and have found—”

LS: He says only “principles,” but the translation is very inexact as we know.

Mr. Reinken: “—and have found that the particular cases follow naturally from them; that the histories of all nations are only consequences of them—”

LS: Namely, of the principles.

Mr. Reinken: “—and that every particular law is connected with another law, or depends on some other of a more general extent.

“When I have been obliged to look back into antiquity I have endeavored to assume the spirit of the ancients, lest I should consider those things as alike which are really different, and lest I should miss the difference of those which appear to be alike.

“I have not drawn my principles from my prejudices, but from the nature of things.”^{iv}

LS: Now let us stop here for one moment. So, Montesquieu has studied men. And [by] this study ascending from the infinite variety of data of laws and manners, he has arrived at the principles. And then once he has understood these principles, he saw that all laws and manners could be understood in the light of these principles [and] could be deduced from these principles. All laws, however seemingly absurd, become intelligible. That is the point. Now what does this mean in terms of the distinction between the normative and the non-normative, [that] all laws, however seemingly absurd, become intelligible?

Mr. Reinken: First, it looks like a blow for the non-normative approach, because you find that [for] every candidate—like putting grandmothers out on the ice—¹⁴there’s a good reason. So, you can’t say don’t do it.

LS: Yes. Now let us turn a little bit later on from where you left off: “I do not write in order to censure what has been—”

Mr. Reinken: “—established in any country whatsoever. Every nation will here find the reasons on which its maxims are founded; and this will be the natural inference, that to propose alterations belongs only to those who are so happy as to be born capable of penetrating the entire constitution of a state with a stroke of genius.”^v

^{iv} *Spirit of Laws*, vol. I, Montesquieu’s Preface, xxxi.

^v In original: “Every nation will here find the reasons on which its maxims are founded; and this will be the natural inference, that to propose alterations belongs only to those who are so happy as to be born with a genius capable of penetrating the entire constitution of a state.”

LS: Yes, so he explains the maxims of all nations. He shows, we would say, that all maxims of any nation are reasonable. But this is not quite what he means, as appears from the end, because he considers the possibility¹⁵ of *change* of those maxims. And therefore there must be something more than mere analysis without any reference to evaluation. Let us read the beginning of the next paragraph, please.

Mr. Reinken: “It is not a matter of indifference that the people be enlightened. The prejudices of magistrates have arisen from national prejudice—”^{vi}

LS: “from the prejudices of the nation.” So, in other words, enlightenment is a crucial factor, but not all peoples are enlightened. And if such a people which has certain maxims in its unenlightened stage becomes enlightened, this is bound to affect its maxims. Is this not so? So therefore the understanding of the reasons of the maxims may affect these reasons and maxims themselves, because when they are seen through they may appear to be unreasonable. Yes?

Student:¹⁶ He doesn’t in any way suggest, do you think, this of the Romans, that there was any kind of enlightenment in this great instance of the collapse of maxims and then the collapse of a whole culture, order, [and] political system.¹⁷ Does this apply to the ancient world? To the moderns, yes, perhaps.

LS: Well, at the beginning of our inquiry we do not know whether there are any peoples who are not wholly unable to become enlightened. Is that the point which you want to make?

Same Student: Yes.

LS:¹⁸ You don’t have to take the Romans. A clearer case would be some completely barbarous nation where there is not a ghost of a chance according to Montesquieu that they ever become enlightened.

Same Student: I’m thinking also, how many cases do we know of in which a people has become enlightened and changed its maxims? In total, how many do we know?

LS: Yes, that is hard to say. Today that looks different from the way in which it looked in Montesquieu’s time.

Same Student: Well, only in Montesquieu’s time then. I can think of possibly all of Europe in that age.

LS:¹⁹ Surely the Dutch and the English, and to some extent the French. I mean, the point is only this. If we consider in a general way the possibility of enlightenment, that doesn’t

^{vi} In original: “It is not a matter of indifference that the minds of the people be enlightened. The prejudices of magistrates have arisen from national prejudice.” *Spirit of Laws*, vol. I, Montesquieu’s Preface, xxxii.

mean that all peoples can become enlightened or will become enlightened. That is entirely open. But only that according to Montesquieu enlightenment is an important thing which he will bring about by his book. And this by itself might lead to grave change. We will find plenty of examples later. We have found them already in the last quarter.

Mr. Reinken: On punishment.

LS: For example, is torture a wise procedure to find out about guilt and innocence? We have learned, we in modern Europe,²⁰ that it is not. And therefore it has been abolished in some countries and will be abolished in other countries too. That would be an example. But there might be countries where the institution of torture is linked up with what is most sacred for these people, so that by enlightening them you would destroy their social bonds altogether. Is it still wise to enlighten such a people? You can also take cannibalism, as an example. If that forms a part of the cult of the people—Incas, Aztecs—²¹what then? You must know what you are doing. Do you wish to abolish cannibalism and at the same time to deprive the people of the only social bond which they had? This is a grave question.

Student: On balance it might be better to take the risk.

LS: Yes, well there might be also a different way, namely to proceed politically, meaning step by step. I once heard a man suggesting that he would in such a case, when he came to such a tribe, participate in one of these cannibal feasts²² in order to ingratiate himself with them [and] establish his credit with them as it were,²³ and so gradually convince them of the impropriety of what they are doing. Well, we anticipate later developments. Let us read the next paragraph.

Mr. Reinken: “Could I but succeed so as to afford new reasons to every man to love his prince, his country, his laws; new reasons to render him more sensible in every nation and government of the blessings he enjoys, I should think myself the most happy of mortals.”

LS: In other words, Montesquieu suggests here, although in a conditional clause, that he would prove to every society that their laws are lovable [and] good. He would wish to do that, he says, but it is clear that this is not likely to happen. So, in other words, he will be compelled to criticize some of these laws. The next paragraph.

Mr. Reinken: “Could I but succeed so as to persuade those who command to increase their knowledge in what they ought to prescribe, and those who obey to find a new pleasure resulting from obedience I should think myself the most happy of mortals.”

LS:²⁴ Here he introduces a change. He has to think not only of the people subject to laws, obeying the laws, but also of the legislators. And the legislators are confronted at least from time to time with the question [of] what laws to establish. Once they are established,

they have to be obeyed, but before they are established, they must deliberate. And he wants to help their deliberations. He wants to teach legislators how to legislate, what kinds of laws to give. And therefore his teaching is normative without any doubt. The next paragraph, that's the last one which we will read.

Mr. Reinken: "I should think myself the most happy of mortals could I contribute to make mankind recover from their prejudices. By prejudices I here mean, not that which renders men ignorant of some particular things, but whatever renders them ignorant of themselves."^{vii}

LS: So he wishes to heal men from their prejudices, and the prejudices concern man himself. The errors regarding the movement of the stars and digestion, and so forth,²⁵ are not the important prejudices. The important prejudices concern man as man. Now what is here implied is also that prejudices are a very important cause of laws.²⁶ If the prejudices are removed, these laws collapse. They lose their respectability, their dignity. Surely, these kinds of causes of laws that are prejudices can be changed by enlightenment. Whereas if the cause of a law is the nature of the climate for example, then nothing can be done about it. But here something can be done.

We conclude then this survey by saying that Montesquieu means as much as Plato, Aristotle, Locke, or Hobbes, to be a teacher of legislators²⁷. And that is a political philosopher. Yet why do many people have the impression that he is also a sociologist in the nineteenth and twentieth centuries sense of the term? In order to understand this as simply as possible, we must remind ourselves of the origins of modern political philosophy.

No one ever thought that Plato and Aristotle could be described as sociologists, at least no one worth mentioning. But in modern times that appeared. Now the key passage is Machiavelli's *Prince*, chapter 15. And those of you who have never read it are urged to read these two pages. The point which Machiavelli makes there and which effects, is meant to effect, a complete break in orientation with the tradition, that one must take one's bearings not as was hitherto done by how men ought to live but by how men do live. Here you have the difference between the ought and the is.

But this does not mean in Machiavelli what it might mean today. Machiavelli²⁸ is after a new kind of normative science, a normative doctrine which is "realistic," which is in accordance with what is, whereas the traditional doctrine was a normative doctrine which was unrealistic.²⁹ Machiavelli's rebellion, [his] revolution, led in the seventeenth century to a revolution within the traditional doctrine of natural law. Machiavelli has nothing to say about natural law. But this natural law tradition was nevertheless very powerful and survived Machiavelli with ease. The great change came when some man, or men,

^{vii} In original: "The most happy of mortals should I think myself could I contribute to make mankind recover from their prejudices. By prejudices I here mean, not that which renders men ignorant of some particular things, but whatever renders them ignorant of themselves." *Spirit of Laws*, vol. I, Montesquieu's Preface, xxxii-xxxiii.

rewrote, as it were, the natural law on the basis of Machiavelli's principle stated in the *Prince*, chapter 15. Now the man in question was Hobbes, above all, but also Locke.³⁰

How is the connection between the "is" and the "ought" conceived of by people like Hobbes and Locke? Answer: they try to discover the most powerful thing in man, the most powerful passion. That's the "is." But this passion, when you think about it, shows itself to be in need of certain requirements. That is the "ought."³¹ In simple terms, the most powerful passion is the desire for self-preservation. And then Hobbes looks at it and sees [that], since this is our deepest and strongest desire, if we are sensible we must also desire these and these things, most important of course the establishment of civil government which will protect us and obedience to that government.

But here you have also an "ought" of a new kind on the Machiavellian basis.³² In the case of Hobbes and Locke and some others, this leads to a novel phenomenon of which we must think if we want to understand Montesquieu, namely that if I think through the requirements of self-preservation, I come to see not only that there must be civil society but also that civil society must have a certain character³³ [and] structure, without which it could not fulfill its function. In other words, it leads in the language of that time to natural constitutional law, they say natural public laws, but it's the same.³⁴

So, for example, the doctrine of sovereignty, which forms the central part of Hobbes's political philosophy, is such a natural public law teaching. The same is true of the teaching of Locke regarding civil government. This natural constitutional law is meant to be universally valid. People may disregard it, but they will pay for that. They do it at their own peril. But it is in itself universally valid. And here's a great difference between Hobbes, Locke, and such people, and Plato and Aristotle, because what Plato and Aristotle were after above all was the best regime, the best polity. The best polity is almost by definition one that³⁵ is not always possible but only under the most favorable circumstances. This will give us the first key for understanding what is peculiar to Montesquieu.

Montesquieu, I will say in anticipation, follows Hobbes and Locke up to a certain point but not beyond that point. The more general question is, what is the norm for Montesquieu? . . . supplies is a normative teaching. And the answer is simple: natural right, *droit naturel*. It is not possible without grave qualification to speak of a teaching of laws of nature, of natural laws, in Montesquieu. It is safer to use the term "natural right," which is a literal translation of the Latin term *jus naturale*, which has a broader and vaguer meaning than laws of nature. Now let us look at a few passages at this point. Read Book X, chapter 3. Page 134.

Mr. Reinken: "Of the Right of Conquest:

"From the right of war comes that of conquest: which is the consequence of that right, and ought therefore to follow its spirit."

LS: Namely the spirit of the right of war.

Mr. Reinken: “The right the conqueror has over a conquered people is directed by four sorts of laws: the law of nature, which makes everything tend to the preservation of the species; the law of natural reason, which teaches us to do to others what we would have done to ourselves; the law that forms political societies, whose duration nature has not limited; and, in fine, the law derived from the thing itself.”^{viii}

LS: Let us stop here. Now this is not an easy passage. The only point³⁶ [on] which I lay stress³⁷ is this: the distinction between the law of nature and the law of natural right. Natural right is the same as reason. Law of nature is not the law of reason, as it was more or less according to the traditional view and according to Hobbes and Locke. So this shows a very profound change.³⁸ Let us turn to the end of the first book, first chapter. Let us read the whole last paragraph.

Mr. Reinken: “Man, as a physical being, is like other bodies governed by invariable laws. As an intelligent being, he incessantly transgresses the laws established by God, and changes those of his own instituting. He is left to his private direction, though a limited being, and subject, like all finite intelligences, to ignorance and error: even his imperfect knowledge he loses; and as a sensible creature, he is subject to a thousand passions. Such a being might every instant forget his Creator; God has therefore reminded him by the laws of religion. Such a being is liable every moment to forget himself; the philosophers averted this by the laws of morality. Formed to live in society, he might forget his fellow-creatures; legislators have, therefore, by political and civil laws, returned him to his duty.”^{ix}

LS:³⁹ These laws of which he speaks here, the laws of morality,⁴⁰ are taught by the philosophers. They are not, to say the least, simply the same as the natural laws, as is indicated by the title of the next chapter. In this chapter he does not yet deal with the natural laws strictly speaking. Well, let us leave it at this main point, that the laws of nature are not the laws of reason. The laws of nature are not strictly speaking human. They are common to all animals. That’s the way in which he understands it. So the tone shifts entirely to the law of reason, which is not the law of nature. For example, the sound penal law, that there should be a proper proportion between crime and punishment, is a law of reason. We can take another passage, Book XV, chapter 11. Let us read only the end of the third paragraph.

Mr. Reinken:⁴¹ “The laws of chastity belong to nature—”

^{viii} *Spirit of Laws*, vol. I, bk. X, ch. 3, 134.

^{ix} In original: “Man, as a physical being, is like other bodies governed by invariable laws. As an intelligent being, he incessantly transgresses the laws established by God, and changes those of his own instituting. He is left to his private direction, though a limited being, and subject, like all finite intelligences, to ignorance and error: even his imperfect knowledge he loses; and as a sensible creature, he is hurried away by a thousand impetuous passions. Such a being might every instant forget his Creator; God has therefore reminded him by the laws of religion. Such a being is liable every moment to forget himself; philosophy has provided against this by the laws of morality.” *Spirit of Laws*, vol. I, bk. I, ch. 1, 3.

LS: “to natural right.”

Mr. Reinken: “—to natural right, and ought always to be respected.”^x

LS: “ought to be felt,” “ought to be felt, sensed by all nations of the world.” Now this is a great difficulty because as he explains natural right in the second chapter of the first book these fundamental rights and their subject matter *is* necessarily felt.⁴² Take the case of self-preservation, a fundamental right. All men have the rights of self-preservation, or its opposite, they fear death, and men don’t have to be told to fear death. One can’t say, men ought to fear death. They do it by nature. And therefore in this case if you have a natural right which *ought* to be felt, that is a sign that it is not simply natural. This is only a further illustration of the point I want to make.⁴³

The starting point of Montesquieu, to cut the whole thing short, is then the right of self-preservation, the starting point of Hobbes and Locke. This right to self-preservation leads necessarily to the right to food, a point which Hobbes was not particularly anxious to make, but which Locke surely made very massively. Now if you need food you need also [a] food supply, not only for now but for the future. And since the food supply, the kind of food, the quantity of food you have, differs from country to country, this leads then to differences between human society which are in a sense natural differences because they are caused by nature alone. And this has very great consequences. Let us turn to Book XIV, the end of chapter 10.

Mr. Reinken: “It is the variety of wants in different climates that first occasioned a difference in the manner of living, and these different manners of living have formed a variety of laws.”^{xi}

LS: “different kinds of laws.” So that is a crucial passage which is in a way a premonition of Marx. Of course the modes of production are here not mentioned, but they are to some extent implied⁴⁴. So, the nature itself causes these differences in this manner. For example, as he says later, monogamy or polygamy, which of the two is advisable is entirely dependent on the mode of production. Under some conditions polygamy is preferable, under others monogamy.⁴⁵ This whole approach leads to the rejection of a universally valid public law. That cannot be, given the enormous variety of ways of life which nature brings about. At this point Montesquieu clearly breaks with Hobbes and Locke and in a manner returns to Plato and Aristotle. The same polity is not possible or good under all conditions. And the other point which is also implied: that no natural law to speak of is universally valid. For example, according to the tradition, monogamy is an institution of natural law. Now, no, in certain conditions nature institutes polygamy. There is nothing like a *code de la nature*, a code of nature, a book title of a French

^x In original: “The laws of chastity arise from those of nature, and ought in all nations to be respected.” *Spirit of Laws*, vol. I, bk. XV, ch. 11, 242.

writer^{xii} after Montesquieu, a detailed enumeration of the laws which are natural and universally valid. That's not possible.

This passage which we just read at the end of Book XIV, chapter 10: the habits, the manners, [and] the laws are products of nature. In other words, they are as natural as the climate. And this would mean that the distinction between nature and convention loses its force. It's not a mere convention if nature imposes on you this way of life. And therefore this is the ultimate reason why Montesquieu can be brought together to some extent with the development of the historical consciousness, which is of somewhat later date.

Now, although this is the case, although the manners and laws are products of nature, and therefore unchangeable—if nature changes the climate, then [the laws and manners will change,] but you can't do anything about it.⁴⁶ Despite all this, this fact, that the manners and laws depend on nature, [this] does not do away with the normative character of Montesquieu's teaching. How can this be understood? Incidentally, you can say, he does away [as little] with the normative character of the political teaching as [does] Marx⁴⁷. There is also a necessity of a different kind, and yet there is a norm implied. Perhaps it is more implicit in Marx than it is in Montesquieu, but the fundamental problem is the same.

Now why is this possible, then, if the laws are the work of nature? The simplest reason is this. Man can interfere with nature, which the brutes cannot do. Montesquieu says on more than one occasion, men should not do it because what is natural is better—that is somehow implied—than what men do. Physical causes in particular are not simply decisive. Montesquieu devotes a whole chapter, Book XVIII, chapter 18, to the power of superstition. People do something against what the situation, the climate for example, requires because of certain wrong opinions. This much is clear, that natural right as Hobbes and Locke understood it is insufficient as a norm from Montesquieu's point of view. It has a certain importance and we shall find some traces, especially in Book XXVI for example, but it is not decisive because it is not sufficient.

Montesquieu accepts the schema of Hobbes, that natural right belongs to the state of nature, which is a pre-social, or at least pre-political state, the state of civil society. And he distinguishes three kinds of civil societies: republics, monarchies, and despotisms. Each of the three has its peculiar principle, as he puts it. The principle of republics is virtue, of monarchies honor, of despotisms fear. Now if we merely look at that and don't try to be super sophisticated, only listen to the meaning of these words—virtue, honor, and fear—we get the impression that republics, which have the principle of virtue, are the best, because virtue is more than honor and honor is more than fear. And there is plenty of evidence in Montesquieu to support this conclusion. So we shall then say there is in Montesquieu also a norm different from natural right. And that is virtue. And this is not surprising for anyone who has done some reading in the classics of political philosophy

^{xii} Strauss is here referring to the French philosopher Morelly (1717-unknown), supposed author of *Code of Nature, Or The True Spirit of Its Laws, In All Times Neglected or Unknown* (1755). Morelly's works were largely utopian in nature and influenced later communist thinking. The name, Morelly, may have been a pseudonym. Nothing is known of him.

because this was surely the principle of Plato and Aristotle, that the good order is the order directed toward virtue. And one might say, therefore, that in this crucial point, however much Montesquieu might have taken over from Hobbes and Locke, in this crucial point he returns to Plato and Aristotle. There is a very clear passage in Book III, chapter 3, where he speaks of the fundamental difference between the ancients and the moderns, the sixth paragraph.

Mr. Reinken: Page 21, paragraph 2. “The Greek politicians, who lived under a popular government, knew no other support than virtue. The modern politicians are entirely taken up with manufacture, commerce, finances, opulence, and luxury.”^{xiii}

LS: So here you have the ancient political thinkers who spoke of virtue, only of virtue; and the moderns speak only of trade,⁴⁸ finance, and luxury. This seems to indicate clearly that Montesquieu here returns to the classics. But there are important differences. In the first place when Aristotle speaks of the various regimes, he thinks of the ends which they consciously pursue. Whereas Montesquieu, when he speaks of these kinds of government⁴⁹, is concerned not with the ends but with the principles by which he understands the springs which make them act. One could say the efficient causes.

Furthermore, the word “virtue” as used by Montesquieu is ambiguous. He says, he means by it only political virtue and not moral virtue. But as we have seen in our study last quarter he constantly speaks of moral virtue as well. This creates a great difficulty. And political virtue, a term coined by Plato, surely used by Plato and by Aristotle, would be a lower virtue than moral virtue. And therefore there would be a great difference between Plato and Aristotle on the one hand and Montesquieu on the other in this respect.

And the last and decisive point, virtue as Montesquieu understands it is a passion. And for Plato and Aristotle virtue is surely not a passion but a posture towards the passions. Now virtue means, as Montesquieu understands it, complete dedication to the common good. It has a certain kinship with what Aristotle calls general justice, the justice which comprises all other virtues. Montesquieu calls it a general passion, because of its relation to the common good. As complete dedication to the common good, it requires self-denial.⁵⁰ This creates a great difficulty, because if virtue consists in denying yourself, then it must somehow be divorced from self-preservation and therefore cannot be deduced from self-preservation. There is a parallel case in the case of honor, where Montesquieu says the principle of honor requires from us that we do not make any fuss about our life. But something of the same kind is of course true also of republican virtue. The simple ending of the Declaration of Independence, where the same word is used in very different meanings, do you know it by heart?

Mr. Reinken: “Hereto we pledge our lives, our fortunes, and our sacred honor.”

^{xiii} In original: “The politic Greeks, who lived under a popular government, knew no other support than virtue. The modern inhabitants are entirely taken up with manufacture, commerce, finances, opulence, and luxury.” *Spirit of Laws*, vol. I, bk. III, ch. 3, 21.

LS: Yes, “pledging” has there two different meanings. We are willing to forsake our lives and fortunes, but we are not willing to forsake our honor. The Declaration of Independence starts⁵¹ also from the right of self-preservation, right of life, liberty, and the pursuit of happiness. But this cannot be maintained properly without the willingness to sacrifice this fundamental right. And Montesquieu was⁵² aware of that.

In Montesquieu’s case, however, the consequence is this. Since there is this difficulty regarding this conflict between virtue and self-preservation, Montesquieu is driven into a critique of virtue itself. Can this be the norm? And this means a criticism of both classical philosophy and Christianity. And we have observed that the norm by which Montesquieu is guided, his perspective within which he looks at things, changes as he proceeds. So, whereas the principle of virtue is clearly prevalent up to Book VIII, that changes afterward and in Books XI-XX a new principle comes to light. Now we must see what that is.

In the first books, say up to Book VIII, the position is roughly this. Virtue is the norm, and virtue is the foundation of republics. But republics belong to⁵³ classical antiquity and are no longer possible now. What is possible now can be only a weak longing, an admiration, like the admiration of statues, of the ancient republics and of the virtue going with that.

But from Book IX on we learn more and more that there are also modern republics. And therefore if a republic is desirable, as it is surely desirable from Montesquieu’s point of view, then maybe we can have a republic without having this terrible mortgage of virtue in the full and strict sense. Modern republics are republics whose principle is not virtue. And therefore we find gradually that there is a norm which is richer than natural right and yet not virtue but an alternative to virtue. Do you have some difficulties in understanding? Because if anyone of you has difficulties, he must tell me. Now what is this new principle, the principle characteristic of the modern republics? First, where are these modern republics?

Student: Switzerland, Holland?

Another student: Britain.

LS: Yes, in other words, don’t think of Genoa and Venice. They are not the interesting cases. England, for him England is a republic. The Dutch too, but the English in the first place.⁵⁴ And therefore Montesquieu devotes perhaps the most famous chapter of his work, Book XI, chapter 6, to a description or analysis of the English constitution, which has played a very great role, especially in this country via the *Federalist Papers*. Now what is the objective of the English constitution in contradistinction to the objectives, say, of Sparta,⁵⁵ Rome, or any other state?

Student: Freedom.

LS: Freedom, yes, or liberty, whichever word you prefer. But this is misunderstood if it is not seen as an alternative to virtue. He doesn't mean that freedom is not compatible with virtue. As Montesquieu would say, God forbid, but it is surely not identical with it. Now what precisely is freedom, if we don't leave it entirely as the general impression we have on that? Let us turn to Book XI. I think we'll turn to chapter 3.

Mr. Reinken: Page 150. "In what Liberty Consists:"

"It is true that in democracies the people seem to act as they please; but political liberty does not consist in an unlimited freedom. In governments, that is, in societies directed by laws, liberty can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will."

LS:⁵⁶ Here is a great difficulty. What is it⁵⁷ [that] we ought to will? The simplest understanding would be, what we ought to will according to the moral law. And then of course this is quite a defensible definition and a very good one. In other words,⁵⁸ there can [only] be⁵⁹ political liberty if the whole state is concerned with moral virtue, so that nothing immoral can ever be commanded and no one can ever be forbidden to do something moral. The question is whether Montesquieu means that. Let us read the next paragraph.

Mr. Reinken: "We must have continually present to our minds that which independence is and liberty is. Liberty is the right of doing whatever the laws permit, and if a citizen could do what they forbid he would be no longer possessed of liberty, because all the others would have the same power."^{xiv}

LS: Now this is a different view. Liberty, he says, is a right to do everything which the laws permit. Whose view of liberty is that?⁶⁰ That's Hobbes's view. That is not the moral view of freedom.⁶¹ The laws are⁶² the positive laws. And they may permit all kinds of atrocities, may even command them. And therefore if we reread the definition in the first paragraph we see that it could equally well mean [that] liberty can only consist in being able to do what the *laws* command us to do and not to be compelled to do anything which the laws forbid us to do. In other words, liberty means rule of laws, without any criterion for distinguishing between good and bad laws. So [in] a despotic government in which, so to speak, there are no laws, or they are always subject to the arbitrary will of a despot, there is no freedom. But if you know where you stand, where it is clearly defined what you may and may not do, you have freedom, but with this precarious element in it, that the laws may command bad things or forbid good things.⁶³

The difficulty I think is disposed of in the sixth chapter, the famous chapter on the constitution of England. I cannot go into the peculiarities of this unusual chapter, for instance that the word England occurs only in the title and such other nice things.

^{xiv} In original: "We must have continually present to our minds that which independence is and liberty is. Liberty is the right of doing whatever the laws permit, and if a citizen could do what they forbid he would be no longer possessed of liberty, because all his fellow-citizens would have the same power." *Spirit of Laws*, vol. I, bk. XI, ch. 3, 150.

Montesquieu does not simply take the English constitution. He idealizes it for his purposes. But he thinks it has the root of the matter in it. Now let us read the third paragraph.

Mr. Reinken: “The political liberty of the citizen is a tranquility of mind arising from the opinion each person has of his security. In order to have this liberty, it is requisite the government be such as one citizen need not be afraid of another.”^{xv}

LS: Yes, that would raise interesting questions given the urban problem now, whether we have political freedom here. But we don’t have to go into that. The key point is the security, the opinion that you are sure no one will knock at the door in the middle of the night⁶⁴. There is a connection between security and self-preservation. The security of life is exactly the purpose of the state according to Hobbes. And we must understand self-preservation in a generous manner, not to understand mere self-preservation only, but also its amplified version, comfortable self-preservation. The security of life and the possibility of betterment of your life by the arts of peace and industry—that all belongs to that. So the root of freedom, as Montesquieu understands it, is the Hobbean doctrine of self-preservation rather than the traditional doctrine. Montesquieu shows in Books XI and XII—the details we cannot go into now—what is necessary in order to have freedom is separation of the three powers and a reasonable penal law. Yes.

Student: Did you distinguish freedom as a norm from natural right?

LS: Originally, yes, but now I’ve tried to show that there is a connection between the two. You want self-preservation, comfortable self-preservation. You cannot have it in solitude, where the first comer can take away everything you have including your life. So you need a protector, the state. But this state can be your worst enemy, if it is a despotic state. You can be worse off than if you were in a desert. Therefore you must have a state which is based on the principle—the protection of the security of both self-preservation and comfortable self-preservation is the objective. And that is the British constitution above all. Is this clear now? Good.⁶⁵

Up to a certain point one can rightly wonder where does Montesquieu stand. Does he stand on the side of virtue as we have it in classical antiquity, according to him, or on the side of freedom, as we have it in England? What Montesquieu means by this distinction can be stated in present-day terms as follows: the ancient cities with their concern with virtue were “totalitarian,” as people say now.⁶⁶ They were not truly totalitarian in the sense of Russia or China, but in the sense that the state interfered very much with the private life with a view to virtue. And the modern state is, as they say,⁶⁷ much more permissive. That is a very general schema. Everyone can tell me what I say is contradicted by Pericles’ funeral speech where he presents Athens as singularly permissive. I am aware of that fact. But the question is, what [is] in the political doctrines of classical antiquity, in the political philosophy of classical antiquity—this is not the

^{xv} In original: “The political liberty of the subject is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another.” *Spirit of Laws*, vol. I, bk. XI, ch. 6, 151.

teaching of the funeral speech. And it raises also the further question, the more subtle question, what Thucydides—who after all wrote the funeral speech—thought about the funeral speech. That’s a long question to which I can only allude now.

But a closer study of the *Spirit of Laws* shows that, according to Montesquieu, England, this modern republic, is superior to the ancient democracies, republics, whose principle was virtue. Let us turn to Book XIX, chapter 27. This is the last chapter of Book XIX, page 307. This chapter is the supplement to Book XI, chapter 6. It deals also with England. Now let me see where that passage is.

Mr. Reinken: Page 309, paragraph 2: “This is the great advantage which this government has over—”

LS: “would have.” He speaks always in the subjunctive, leaving it open whether the English constitution as it is is that model which he wants to set up. Read it again.

Mr. Reinken: “This is the great advantage which this government would have over the ancient democracies, in which the people had an immediate power; for when the orators agitated these agitations always had their effect.”^{xvi}

LS: Yes, that is all we need now. So, in other words, the representative, modern democracy, or republic, is by far superior to the ancient direct democracy. But this leads to a deeper question which was already implied in what I said before: what is the character of the morality which goes with modern freedom? This question is answered quite clearly in Book XX, in the first chapter. Let us read the first chapter. The book is devoted to commerce. And the book on commerce is the only book which is introduced with a poem composed by Montesquieu himself, but a poem in prose. Commerce is not poetic, but it has some deep appeal which justifies that one write a prose poem on it. Now read the first chapter.

Mr. Reinken: It’s lacking in the Nugent. The text begins: “The following subjects deserve to be treated in a more extensive manner than the nature of this work will permit. Fain would I glide down a gentle river, but I am carried away by a torrent.

“Commerce is a cure for the destructive prejudices; for it is almost a general rule, that wherever we find mild morals, there commerce flourishes; and that wherever there is commerce, there we meet with mild morals.”^{xvii}

^{xvi} In original: “This is the great advantage which this government would have over the ancient democracies, in which the people had an immediate power ; for when they were moved and agitated by the orators, these agitations always produced their effect.” *Spirit of Laws*, vol. I, bk. XIX, ch. 27, 309.

^{xvii} In original: “Commerce is a cure for the most destructive prejudices; for it is almost a general rule, that wherever we find agreeable manners there commerce flourishes; and that wherever there is commerce, there we meet with agreeable manners.”

“Let us not be astonished, then, if our morals are now less savage than formerly. Commerce has everywhere diffused a knowledge of the manners of all nations: these are compared one with another, and from this comparison arise great advantages.”

LS: Now what does he mean by that? So commerce, in other words, people travel more, and then they see other nations, and that leads to comparison. Why does this comparison have this salutary effect of which he speaks? These are things which we all have learned as children, but we must make them explicit. Yes.

Student: It liberates one from prejudice.

LS: Yes. And the absolutization of one’s own ancestral things makes men tolerant, the *toleration* which comes from that. Yes.

Mr. Reinken: “Commercial laws, it may be said, improve morals for this same reason that they destroy them.”^{xviii}

LS: “that they destroy morals,” so, in other words, commerce is not an unmitigated blessing. You cannot eat the cake and have it. You have to pay a price; and what’s the price?

Mr. Reinken: “They corrupt pure morals.”

LS: No, “commerce corrupts pure morals.”

Mr. Reinken: “This was the subject of Plato’s complaints; and we every day see that they polish and refine the barbarous—”^{xix}

LS: “barbarous manners,” yes, so here is a key point. In other words, if we want to have virtue in the strict sense, i.e., pure manners, then we would have to wish back the ancient republics, if not the actual ancient republics at least the ideal republic of Plato. We must be satisfied with a lower kind of virtue—gentleness, mildness, isolated, as it were, from the harsh demands implied in purity of manners. In another passage in Book XV, chapter 3, end—we don’t have to read that—Montesquieu says that reason leads to mild manners.⁶⁸ This implies that reason would not lead to virtue in the sense of pure manners. Yes?

Student: From the point of view of self-preservation, what is the preference for freedom over virtue? Because as far as self-sacrifice goes the English still have to fight to defend their republic.

^{xviii} In original: “Commercial laws, it may be said, improve manners for this same reason that they destroy them.”

^{xix} In original: “This was the subject of Plato’s complaints; and we every day see that they polish and refine the most barbarous manners.” *Spirit of Laws*, vol. I, bk. XX, ch. 1, 316.

LS: Yes, but how do they do it? Do they have universal conscription? Who fights, the nobility and the scum. So in other words, you have a mercenary army and⁶⁹ a navy. But in the navy the same situation arises too, no universal conscription. This is always a problem for anyone arguing on a Hobbean basis. You know, the question of sacrifice for the whole and self-preservation: if life is the highest good, then that is always⁷⁰ Like old Carthage, a great commercial republic, the citizens didn't fight, some of the leading citizens like Hannibal and his father and some other families [fought]. But the great merchants there didn't fight. They had enough money to buy soldiers from Greece and other places. Yes?

Student: If here we see that morals are made milder, does that mean that moral law which you referred to in Book X is made weaker, so that what men ought to do is far less in a commercial state than in any other state? What I'm referring to is when in Book X you said that freedom was the power of doing what one ought to will and of not being constrained to do what one ought not to do, and that "ought" there referred⁷¹, I thought you said,⁷² [to] the moral laws.

LS: Yes, that is the impression you get when reading it first. And in this way it makes perfect sense of course. In this way you have a criterion for distinguishing between a good political order and a bad one. We see this immediately. If in a state the law would never oblige you to do something indecent, and on the other hand it would prevent you from doing quite a few indecent things, well those are good laws. But this is what Montesquieu rejects later on in the same chapter by implication. Freedom consists in doing what the laws permit, meaning what the positive laws permit,⁷³ without making any distinction between good or bad positive laws.

Now this point which I'm trying to make has been stated very clearly by Burke in a letter to Rivarol of June 1, 1791. I quote it in my *Natural Right and History*, p.188. I read it to you: "If virtue is reduced to social virtue, to mere peaceableness, as it is in Hobbes, or to benevolence or kindness, or the liberal virtues, the severe virtues of self-restraint will lose their standing." That is my rendering of the thought of Burke. Burke says, speaking about the new morality coming to the fore with the French revolution, "The Parisian philosophers explode or render odious or contemptible, that class of virtues which restrain the appetite. In the place of all this, they substitute a virtue which they call humanity or benevolence." That is the change which Montesquieu tries to effect. Humanity or benevolence without severity towards oneself or maybe others—that is the key point. Kindness [and] permissiveness take the place of the sternness which virtue formerly had, a very great change which we see observed up to the present day. I think one could adduce quite a few examples. The most striking example is⁷⁴ sexual morality, but this is not the only one.⁷⁵

Mr. Bruell: I still don't see clearly that the preference for [the] humane virtues can be deduced simply from self-preservation, because the people fighting will be different but still there will be the same numbers of people fighting. Montesquieu as a legislator would have to be concerned with all.

LS: With the soldiers, sure. That is doubtless true, and you cannot always have mercenary soldiers. That's clear. And you must consider the possibility that the whole male population, at least, must become soldiers. That's quite true. Therefore this would not be the place to look for the difference between the Montesquieuan view and the older view. But for example take the case [of] sexual morality; [it] is quite striking. But the key point, the point which I believe you underestimate, is this: in the Hobbean scheme,⁷⁶ virtue [is] required. For the sake of your self-preservation, you need peace. And you cannot have peace if you do not develop in yourself habits of peaceableness.⁷⁷ According to Hobbes virtue strictly understood is nothing but the habit of peaceableness. For example, he says somewhere—I have quoted that passage—temperance is not a virtue strictly speaking. We know quite a few people who, when they are drunk, are still nicer than they would be without it, to say nothing of other satisfactions of this kind. Also the things going with reverence for the old, and so on, play no role anymore in that new schema, which is also one of the sterner virtues. Yes?

Mr. Bruell: My question is not so much as to the difference but as to the connection of the difference that you established with natural right.

LS: I can only say, if Hobbes was not completely lacking in intelligence, then the demonstration leading from the desire for self-preservation, or the fear of violent death as the fundamental thing, to virtue equal to peaceableness is a strict deduction. Only peaceableness and its ingredients, and nothing else, is virtue.⁷⁸ Peaceableness includes⁷⁹, as Hobbes makes clear, that you have to be nice to people. If you are not only nasty but if you are rugged—is this a proper word?—and hurt people, then you contribute to the state of war as much as in you lies. So be nice, be popular, to use a present day phrase—that is virtue, to be well-adjusted. And the other things, the other virtues which cannot be reduced to that, if there are other virtues, surely they lose their standing.

Mr. Bruell: And the same connection is established with liberty?

LS: Yes, the state has no right to interfere with what you like or dislike, unless it is necessary for the sake of peace [and] public order. Locke says this explicitly, that the state has nothing to do with virtue and vice. That's not its business. And the same is implied in Hobbes.

Now this distinction between freedom and virtue has one important implication which I must mention now. Virtue and vice in the strict sense are not the highest consideration, but freedom is. And since virtue and vice do not have this status, we are open to the possibility that there may be vices which are good. To use Mandeville's formula—Montesquieu quotes him—private vices may be public benefits. Take an example, luxury, which was regarded by the ancients as a vice, but if it promotes trade and gives bread to the hungry, then this private vice may be [a] public benefit. One could even say—and Mandeville alludes⁸⁰ and more than alludes to that—that prostitution, which is vice in the narrow sense today, can be a great promoter of trade under certain conditions, so that it would be wrong to forbid it by law.

So this much about the inner drama which is played in this work, the movement from virtue to freedom. And I think it is very important to understand that in order to understand our present society. Therefore Montesquieu has as much broken with classical political philosophy as [did] Hobbes and Locke⁸¹, although in somewhat different ways. In some respects he apparently returns to the classics. He doesn't have this natural public law. And he allows for the infinite variety of circumstances requiring very different political arrangements in different states, conditions, or societies. But on the other hand, he, we can say, goes even a step further in the modern direction than Hobbes and even Locke did.⁸²

Montesquieu [of course] breaks not only with classical political philosophy, this much should be clear, but also with Christianity. And this is in a way more important because of the great social⁸³ [and] political power which Christianity possessed in the eighteenth century, and which affected the way in which Montesquieu wrote, the prudence which he used very much. Now I think I will speak of that next time and finish this general introduction, and then we will discuss Book XXI. So we meet next time.

¹ Deleted "...premises for conclusions which you must draw.."

² Changed from "And since these eleven books are not of the same theoretical interest, not all of them, not all of them, we will be soon, pretty soon, and so we have time.."

³ Deleted "And."

⁴ Deleted "interesting,."

⁵ Deleted "any."

⁶ Deleted "Now."

⁷ Deleted "of course,."

⁸ Deleted "Now."

⁹ Deleted "Now."

¹⁰ Changed from "The distinction between nature and convention is underlying the more common distinction, the more well known distinction, between natural law and positive law."

¹¹ Deleted ", so to say,."

¹² Deleted "And."

¹³ Deleted "And."

¹⁴ Deleted "that."

¹⁵ Deleted "of change,."

¹⁶ Deleted "Could I ask a particular question now?."

¹⁷ Deleted "In this there is no suggestion, is there yet, of... LS: You mean whether...."

¹⁸ Deleted “Well.”

¹⁹ Deleted “Well.”

²⁰ Deleted “have learned.”

²¹ Deleted “and.”

²² Deleted “, you know.”

²³ Deleted “as it were.”

²⁴ Deleted “Now.”

²⁵ Deleted “these.”

²⁶ Deleted “Now.”

²⁷ Changed from “Now we conclude then this survey by saying that Montesquieu means as much as Plato, or Aristotle, or Locke, or Hobbes, to be a teacher of legislators.”

²⁸ Deleted “has in mind.”

²⁹ Deleted “Now.”

³⁰ Deleted “Now.”

³¹ Deleted “Now.”

³² Deleted “Now.”

³³ Deleted “a certain.”

³⁴ Deleted “No, they say natural public laws, but that’s the same.”

³⁵ Deleted “which.”

³⁶ Deleted “of.”

³⁷ Deleted “now.”

³⁸ Deleted “And now.”

³⁹ Deleted “Yes, thank you very much. Now.”

⁴⁰ Deleted “they.”

⁴¹ Deleted “‘It is not therefore to be wondered at that moderate governments –‘

LS: No. Chapter 12 of Book XV?

Student: Yes, p. 243.

LS: 'The Laws of chastity belong to natural right...' Let me see. In some books the distribution of chapters is different. I'm sorry. Because he used a different edition of the *Spirit of Laws*.

Student: Chapter 11 in our edition, p. 242, chapter 11, paragraph 3."

⁴² Deleted "Well."

⁴³ Deleted "Now."

⁴⁴ Deleted "here."

⁴⁵ Deleted "And this leads."

⁴⁶ Deleted "but."

⁴⁷ Changed from "Incidentally, you can say, he does as little away with the normative character of the political as in Marx."

⁴⁸ Deleted "and."

⁴⁹ Deleted "he."

⁵⁰ Deleted "Now."

⁵¹ Deleted "of course."

⁵² Deleted "of course."

⁵³ Deleted "antiquity, to."

⁵⁴ Deleted "Now what is the objective?."

⁵⁵ Deleted "or."

⁵⁶ Deleted "Now."

⁵⁷ Deleted "what."

⁵⁸ Deleted "political liberty,."

⁵⁹ Moved "only."

⁶⁰ Deleted "Hobbes,."

⁶¹ Deleted "Now."

⁶² Deleted "of course."

⁶³ Deleted "You had a difficulty? Student: No, it's clear now.."

⁶⁴ Deleted ", and you don't know, security."

⁶⁵ Deleted "Now of course."

⁶⁶ Deleted "Of course,."

⁶⁷ Deleted “permissive,.”

⁶⁸ Deleted “Now.”

⁶⁹ Deleted “of course.”

⁷⁰ Deleted “But still, you can have....”

⁷¹ Moved “to.”

⁷² Deleted “to.”

⁷³ Deleted “and.”

⁷⁴ Deleted “, of course,.”

⁷⁵ Deleted “Student: Is your favorite quote of Goethe, ‘[inaudible] is indulgence towards oneself and others,’ actually in context here?”

LS: No, not quite. Goethe spoke of the Germans, pre French revolution. No, there is no connection..”

⁷⁶ Deleted “there is of course.”

⁷⁷ Deleted “Now.”

⁷⁸ Deleted “Now.”

⁷⁹ Deleted “of course.”

⁸⁰ Deleted “to that.”

⁸¹ Moved “did.”

⁸² Moved “Of course.”

⁸³ Deleted “power,.”

Session 2: March 30, 1966

Leo Strauss:¹ I would like first to finish my introduction to this Quarter's seminar. And then we turn to Book XXI.

The specific difficulty with which we are confronted when studying Montesquieu concerns the relation of the normative ingredient of his doctrine with the merely descriptive and analytical. The latter ingredient has given rise to the view that Montesquieu was already a sociologist in the nineteenth century sense of the term.²

I tried to explain the relation of these two ingredients as follows: Montesquieu's doctrine is³ normative, but it is of a new kind. And this new kind is adumbrated for the first time in Machiavelli's *Prince*, where Machiavelli opposes a doctrine which takes its bearings by how men do live to the traditional doctrine which took its bearings by how men ought to live. But the doctrine, which takes its bearings by how men do live, was itself normative. So that a realistic study of man, whatever that may mean, in opposition to the dreams and fancies of the earlier thinkers, should lead to a new kind of normative doctrine which was more practical, more "realistic."⁴

What Machiavelli started was in a way completed by Hobbes. Hobbes's teaching is obviously normative, but it is based on the most powerful passion in man alone,⁵ by what actually determines human actions always. And in this sense it is realistic. To explain this a bit more fully, Hobbes does this in the context of a doctrine of natural law. According to the traditional natural law doctrine, which is most clearly seen in Thomas Aquinas, there are three fundamental natural inclinations of man: towards self-preservation, the lowest; towards society, which includes towards the propagation of the species; and, the highest, towards knowledge. And the higher, the more important.⁶

Hobbes⁷, as it were, deletes the two higher things and says they are irrelevant for political doctrine, at least as far as the basis of the political doctrine is concerned,⁸ because they are not sufficiently effective in all men. Only a minority of men will be concerned with knowledge. And not all men are concerned with dedication to the society and the duties following therefrom, whereas everyone is concerned with preserving his life.⁹ In Hobbes too, just as in Machiavelli, this beginning with the "is," with the universally observable "is," is meant to lead to a normative doctrine.

Now what is the situation in Montesquieu? In the first place we can say that his starting point is the same as that of Hobbes. The key consideration is self-preservation. But then another norm comes to the fore whose relation to self-preservation is dark, and that is what he calls "virtue." Now he says that virtue, the virtue of which he speaks is political virtue. But as we have seen in the last quarter that is by no means in fact the case. He understands very frequently by "virtue" moral virtue.¹⁰ Virtue in the strict sense, as Montesquieu understands it, is self-denial, self-denial in favor of the community. And the

relation of virtue understood as self-denial to self-preservation is obscure, and is not made clear by Montesquieu. Any criticism of Montesquieu on that score is rendered invalid by the fact that virtue does not remain the norm for Montesquieu.

In the development of the argument from Books II, let us say, to XI, a shift from virtue as the norm to freedom as the norm takes place. So the eventual norm of Montesquieu is freedom in the sense of political freedom. What we did not discuss last time, that was the question brought up by Mr. Bruell, is what is the relation between political freedom and self-preservation. That is what you want? Good.

Now let us return for a moment to Hobbes to understand that relation. Hobbes¹¹ is famous for his anti-libertarian desires or intentions. This is in a crude sense correct, but it doesn't do justice to his doctrine. The starting point of Hobbes, to repeat, is self-preservation of each. And this means that all men are equal in the decisive respect, namely as regards self-preservation. The most stupid and narrow human individual and the highest and most sophisticated have this in common—there is no difference between them—if you point a gun at them they both take cover, other things being equal, instinctively. So all men are equal in the decisive respect. All men have the same right to self-preservation.¹²

From this it follows, this right would be nugatory if they did not have the right to the means of self-preservation, say to this apple, or to this acorn, which is a means to self-preservation. That is perfectly simple and necessary. But now a difficulty arises. Some rather stupid human being will make¹³ [frequent] mistakes about what are the right means to his self-preservation. Who is to be the judge of the means of the self-preservation of the individual? The older answer, say, Aristotle's, would have been the men of practical wisdom should be the judge. He should tell that stupid fellow, no, that isn't good, and he might even forcibly prevent him from eating some poisonous fruit, or whatever it might be.¹⁴

Hobbes, however, says no.¹⁵ The reasoning can be stated as follows: The fool can be presumed to be more interested in his self-preservation than the wise man in the fool's self-preservation. The fool is interested in his self-preservation. The wise man is not interested in the same way in the fool's self-preservation. Therefore, every man has not only the right to the means but the right to the judgment on the means. Now this leads necessarily, as Hobbes points out, to the war of everybody against everybody. There is a small supply of the means of self-preservation, and each will say I need it. And then they come to blows and to killings. So it becomes necessary to establish a sovereign who keeps peace and thus makes possible self-preservation. And the sovereign becomes the sole judge of the means; for he is the legislator. He determines what is mine and what is thine. So that if we are confronted with this situation that each thinks that is the proper means of our self-preservation, the sovereign decides the issue, now this belongs to "a" and this belongs to "b."

Hobbes thinks¹⁶ [that] I cannot use what belongs to you as my means of self-preservation. That's clear. There are laws regarding acquiring things, buying, selling, lending, borrowing, etc. This is fine, but there is one great difficulty in Hobbes in this respect. The

legislator, the sovereign, can himself become oppressive, that is to say, interfere with the subject's means of self-preservation. A very common form in which he can do it is taxation¹⁷. He takes away the means of self-preservation.

Now this flaw was removed on the basis of Hobbes by Locke—his famous principle, no taxation without representation. Here the means of self-preservation are: I have to *agree* these things have to be taken away, this means of self-preservation has to be taken away. But Locke's solution, which is much more satisfactory on the very Hobbesian basis than Hobbes's own solution, is not sufficiently radical. And this is shown most simply if we turn to another great thinker after Locke and after Montesquieu. And that's Rousseau.¹⁸

Rousseau's argument against Hobbes¹⁹ [and Locke is this]: If you want to have self-preservation, the individual must have the right to the means and the right to the judgment of the means. But he must not lose that right to judge of the means *ever*, because otherwise his self-preservation is given over into the hands of people who are not interested in his self-preservation. Now what does this mean, that the individual must remain the judge of the means of his self-preservation? That cannot be unqualifiedly true because this in itself would lead to the war of everybody against everybody.

The best solution which is possible, according to Rousseau, is that the individual must be a member of the sovereign. He must be a member of the sovereign so that the sovereign can never act against him, because he is in a manner the sovereign. In more simple terms, more intelligible terms, the individual must have a say in legislation, not through representatives of his, as in Locke, because the representatives may²⁰ develop an *esprit de corps*, they may become independent. They may develop an interest of their own. For example, they may vote high salaries to themselves and all kinds of other things without having been empowered to do so by a popular referendum. That could be very interesting in cases where there are some economic hardships in the mass of the population. Now this all can be avoided only if the individual is a member of the sovereign, i.e., if there is direct democracy. In Rousseau's formula, there is no just solution to the political problem if the individual, by entering civil society, does not remain as free as he was before entering civil society. And this implies, as the very word "freedom" used by Rousseau shows, that self-preservation is guaranteed only by political freedom.

Now this is exactly²¹ the background of Montesquieu. To be a little bit more exact, Montesquieu's position is somewhere between Locke or Hobbes and Rousseau. Now here there is an apparent difficulty. Montesquieu, as we have seen last time, differs from Hobbes and Locke in so far as he rejects natural public law, a universally valid public law. For example, the Lockean doctrine, no taxation without representation, is of course not meant as the principle of British constitutional law, but is meant to be universally valid, and must be so in India and China. And if India and China don't do that, they are unjust and illegitimate regimes. That is an implication of that. Montesquieu, however, said you cannot have such a universally valid public law. Political freedom is not always possible. Freedom is not the fruit of every climate. But precisely this is taken over by Rousseau. Rousseau teaches a universally valid public law in his *Social Contract*. These and these are *the* conditions universally valid for just government. And yet he says, but

you cannot have this just government except under certain conditions, which are fulfilled only in rare places and at rare times. Now how can he reconcile these two elements?

In a very simple and sweeping way he does. Civil societies in which the people is not the sovereign, i.e., by physical presence in the assembly, are not legitimate societies. Whereas the older view was, say, India and China—not speaking now of Mrs. Ghandi and Mao, but of what they were in the eighteenth century—they would say²² they are bad regimes, but you cannot deny their legitimacy given these circumstances. Rousseau also says that such societies do not have laws. They talk of laws; they call them laws; but they are not laws. Because a law properly understood is an expression of the general will as stated, and established, in such a public assembly where everyone subject to the law has a say in the making of the law. So this much about the connection between self-preservation and political freedom in Montesquieu.

The connection appears in Montesquieu to²³ [the] extent that he makes clear that political freedom has to do with the opinion the individual has of his security. That means the security of his life,²⁴ property, and liberty, or²⁵ [most simply], his self-preservation. Mr. Bruell?

Mr. Bruell: But in Montesquieu the governments of, for instance, India and China are legitimate.

LS: Yes,²⁶ but Montesquieu doesn't have an equivalent of the social contract, i.e., of *the* teaching about *the* legitimate regime, therefore the problem doesn't exist for Montesquieu. Rousseau combines the Hobbean-Lockean heritage, namely natural public law, with Montesquieu's "relativism." And this creates a difficulty which exists only for him, not for the three others. And he solves it: he says yes of course you can't have a legitimate regime under such conditions, but there are no laws in such countries. Now this is somehow not sufficient. Some order is possible there. Montesquieu admits this²⁷ and tries to show what kind of order; not a nice one, but still it can be the best under the circumstances, which is something.

Mr. Bruell: In other words, the necessity of nature makes that the most just regime possible²⁸?

LS: Yes, you can say that.

Mr. Bruell: But that's not sufficient in Rousseau.

LS: No,²⁹ because Rousseau tries to preserve the older universalism, *the* universally just regime. Whereas Montesquieu says it's impossible to expect.

Mr. Reinken: Would it be fair to say that for Rousseau only the best is good enough, [but] for Montesquieu it isn't? And could that proceed from a feeling in Montesquieu that the political ordering does not tell the whole of what is good for human living?

LS: No, the “best” is not the best word for it. Because if you say the “best,” then you admit that there may be less good things which are not simply bad. Think of what Plato and Aristotle say about oligarchy and democracy. They are surely not the best according to them, but under certain conditions and with the necessary qualifications they are acceptable. So the difficulty arises when you replace the quest for the best regime—which allows for various degrees of less best³⁰—by the quest for *the* just regime. What is not just is then unjust. Whereas what is not best is not necessarily³¹ unjust. Do you see that? One may call this doctrinarism, the concern with the one just order which is just everywhere and at all times, because it does not allow for a variety of solutions in accordance with the variety of circumstances. Mr. Mueller.

Mr. Mueller:³² Would it be fair to say then when this happens, when one replaces the pursuit of the best regime with the concern for the just regime, that there you have the distinction which is made about this time, I suppose, between state and society?

LS: But if and when it is made, it is irrelevant, directly irrelevant, because we are concerned³³ with the just civil society, and that is what would now be called the state, I take it. The definition is somewhat obscure. It is not immediately relevant.³⁴

Student: [Except] to say in the case of Locke, for instance, the just regime really does refer to the state as opposed to the society. One can imagine all sorts of different types of societies. I think that’s what Mr. Mueller was indicating. If you just stick to a just constitution or law, then it might be possible to have all sorts of regimes, or all sorts of societies, you would have to call it.

LS: If it is a question of *the* just order, how can there be variety there? Only on subordinate levels, for example whether you should have dog catchers appointed or elected, sure. But that’s not a very important question.

Student: I’m thinking in terms of say, if you take the modern view that Western constitutionalism, our view, would be in a sense the just regime, and the other things that don’t derive from a constitution and a national congress or parliament, or something, are unjust, that would still allow for various variations.

LS: Well sure, on a secondary level, but that would not concern the principles. Yes.

Student: Now you were saying that Rousseau’s position is that the individual is only free in terms of freedom necessary to achieve his own self-preservation as long as he participates in his own ruling by being directly in the government, and that Montesquieu doesn’t see freedom in exactly the same way.

LS: No, for example, he is very much in favor of representative assemblies. He admires the British constitution; whereas for Rousseau that is an abomination, because the representatives develop an interest of their own caste, as it were, different from the interest of the people.³⁵ [These] are arguments repeated in our century³⁶.

Student:³⁷ Then what does freedom depend on?

LS: Oh that's easy, the separation of powers plus a decent penal law, for example, the two fundamental principles: no crime without previous law and no punishment without previous law. You can be sure what you can do and what you cannot do. Whereas, if the legislator ex post facto declared an action criminal which hitherto was not criminal, how can you be secure?

So these two points, but also the details of penal legislation—for example, no torture. Because the function of penal law is after all to punish the guilty. But if the guilty is determined by his nerves, by his power to resist torture, then the innocent man is likely to be found guilty, and vice versa. The hardened criminal will come through torture with ease. So this is another point. And also that there be a proportion between crime and punishment—petty theft cannot be treated like murder. And the other things you know: no cruel and unusual punishment³⁸; *habeas corpus* would be very important naturally; the independence of the judge[s]³⁹, [which] is implied already in the separation of powers.

Student: But say the things of legislation which, as you mentioned taxation,⁴⁰ don't refer to the penal law, which may well rob a person of his—

LS: That is implied in the English practice of the eighteenth century which Montesquieu sets up as a model. That he accepts. But the key point is that he would, for example, let us take China where this is absolutely impossible—we are speaking of eighteenth century China, I repeat—⁴¹yet there is a difference between some of the administrations, some emperors, and others. So it can be more decent and less decent. And you cannot deny simply the illegitimacy of such governments. That is the point which Montesquieu makes.

Student: I have sort of a long question on illegitimacy. You say in your book, *Natural Right and History*, speaking of hisⁱ intention that he wished to uncouple Thomistic philosophy from natural right, and to a certain extent he went back into history. But he didn't go all the way back to natural right as it was understood by the ancients, but restricted it. It seems that he comes up with a sort of a relativism which is not able to judge the legitimacy. Am I correct? Rousseau combines the question of legitimacy with good and bad. If it isn't legitimate, it isn't good. Whereas he separates the two and says well you can't really judge whether it is legitimate, just whether it's good or bad.

LS: Let me put it this way. I remember now vaguely what I said about Montesquieu. That's a very brief passage. What I meant was simply this: the manifest difference between Montesquieu and Thomas Aquinas, for example, we come to that very soon, regarding abortion. Montesquieu follows in this respect Aristotle, not Thomas Aquinas, i.e., permits abortion. Also regarding marriage, according to Montesquieu polygamy is the natural thing in Asia, whereas monogamy is the natural thing in Europe, depending on the climate and other natural conditions. But that has no direct relation to the question we are now discussing.

ⁱ That is, Montesquieu's.

Same Student: Well is the sort of underpinning of his ability, leading to the question of legitimacy that—

LS: The question of legitimacy, I can answer this more simply. The question of legitimacy is not so important to Montesquieu, as it is to Hobbes, Locke, and Rousseau. Rather the question is what is suitable to various situations, various climates, and other conditions. And one could perhaps say that Montesquieu's principle of legitimacy is this: that is legitimate in each case which is most suitable in the conditions. So if it is a condition in which despotism is the only way in which government can be established, and we have seen what these conditions are: large plains, that you cannot have easily independent states, small⁴²[states], that you have such a thing like Russia and Siberia—forget about the Ural mountains for the moment—under such conditions you cannot have any regime but a despotic regime. But the despotic regime can be more oppressive and less oppressive, more reasonable and less reasonable. So one can say that this is his principle of legitimacy, that that regime is legitimate which is most fit for human well-being in these and these conditions. One can say that.

Same Student: So it's really a relative standard.

LS: Yes, but there is something universally applied: human well-being. And that has very much to do with self-preservation, this natural right which he preserves.

Same Student: The standard exists everywhere.

LS: In other words, the relativist would say, human well-being means that people *feel* happy there, or feel tolerably happy. That is not the point for Montesquieu. Well-being is not something which depends merely on the feeling of the individuals concerned, but is something determined by the nature of man. If man must have⁴³—self-preservation is the fundamental thing—but for some reasons in a more derivative way also the respect for the chastity of women, an example which we mentioned last time. If these things are not protected and not taken care of, regardless of whether the people, how they feel about it. The relativist makes it entirely dependent on the whims of the individual. That is not true in Rousseau. There is a so-called objective standard supplied by natural right which, however poor it might have become in Montesquieu,⁴⁴ is still there.

Mr. Reinken: I wanted to add one point on the penal law, that the purpose does seem to have shifted from punishment to security. In the punishment chapters and elsewhere he stresses that you shift,⁴⁵ moderate, and manipulate the punishments in order to cut down on the total incidents of crime. So we're less concerned with vengeance than—

LS: Oh yes, one can say that that is an old story.⁴⁶ Vengeance can never be—in Plato's *Protagoras* you read that already, and repeated in Plato's *Laws*—that one doesn't punish in order to hit back, to give tit for tat, but so that these bad actions will not be repeated, or that society protect itself. Punishment must be rational.

To come back now to the main point, this movement from virtue to freedom is, we can say, the life, the nerve, of *Spirit of Laws*.⁴⁷ This implies a break not only with classical philosophy, but also with Christianity—as goes without saying, but it must nevertheless be stressed because Christianity⁴⁸ was of much more immediate concern to Montesquieu than Aristotle, because Aristotle did not have any power, politically, as Christianity had in eighteenth century France. Now I mention a few points to make this clear. In the first place we find quite a few indications about the connection between religion and despotic government. We have seen that. Furthermore, Montesquieu's relative sympathy with the ancients, especially the Romans, has very much to do with the question of religion. Let us take Book IV, chapter 4, at the end. Let us read the whole fourth chapter.

Mr. Reinken: Page 33. “Difference between the Effects of Ancient and Modern Education”:

“Most of the ancient peoples lived under governments that had virtue for their principle; and when this was in full vigor they performed actions unusual in our times, and at which our narrow minds are astonished.”ⁱⁱ

LS: No, “our small souls are astonished.” So this is one of the strongest statements in favor of the ancients which occurs in the book. Yes.

Mr. Reinken: “Another advantage their education possessed over ours was that it never could be effaced by contrary impressions.”

LS: It was never “*dementie*,” what is that?

Student: Denied.

LS: It was never denied, all right.

Mr. Reinken: “Epaminondas, the last year of his life, said, heard, beheld, and performed the very same things as at the age in which he received the first principles of his education.”

LS: “in which he had begun to be instructed.”

Mr. Reinken: “In our days we receive three different or contrary educations: namely, of our parents, of our masters, and of the world.”

LS: “our masters” is in French also “teachers.” Yes.

ⁱⁱ In original: “Most of the ancient peoples lived under governments that had virtue for their principle; and when this was in full vigor they performed actions unusual in our times, and at which our narrow minds are astonished.”

Mr. Reinken: “What we learn in the latter effaces all the ideas of the former. This, in some measure, arises from the contrast we experience between our religious and worldly engagements, a thing unknown to the ancients.”ⁱⁱⁱ

LS: In other words, this great decay of modern times compared with the ancients is due to the difference between the religion of ancient times, paganism, and the religion of modern times. What he means⁴⁹ is that the education which is received in the world, say in the fashionable world in the first place, but also the world of business and politics, where you hear principles which are very different from that of the Sermon on the Mount obviously. And such a conflict did not exist in classical antiquity. We take another passage in Book X, chapter 3. These few passages to which I refer⁵⁰ [are] only to remind you, or to tell you, that this assertion about the fundamental break with Christianity is not a mere assertion. It has some basis. Whether my arguments are sufficient, that is another matter. We cannot go into the whole argument. Now in Book X, chapter 3, third paragraph:

Mr. Reinken:⁵¹ “The first way is conformable to the law of nations now followed; the fourth is more agreeable to the law of nations followed by the Romans: in respect to which I leave the reader to judge how far we have improved upon the ancients.”

LS: In international law, the law of war. Yes.

Mr. Reinken: “We must give due commendations to our modern refinements in reason, religion, philosophy, and manners.”^{iv}

LS: No⁵². “Here one must pay homage to our modern times, to the present reason, to the religion of today, to our philosophy, to our manners and morals.” “Our philosophy,” “the present religion,” we could say—this is indeed only an indication, not conclusive in itself, but as far as I know he never speaks of *our* religion, meaning by that the Christian religion. I became aware of this way of expressing oneself for the first time in Machiavelli, who uses this kind of distinction.⁵³

But we have much broader considerations. The implication of the doctrine of the climates: Christianity is monogamous and therefore the wrong religion for Asia, because Asia demands polygamy. This would in itself imply that Christianity is the right religion for Europe where the climate [and] the modes of production recommend monogamy. But where does Christianity stem from, from what kind of climate? Answer: from [a] hot climate, and Europe has a moderate climate. So there is a question: is Christianity the right religion for Europe, even?⁵⁴ From the Christian point of view one can answer very easily. Christianity is not for this-worldly people, and therefore it doesn’t have this fitness.

When Montesquieu insists so much on the Teutonic origin of the British constitution, that it came from the forests of Germany and such remarks, this has nothing to do with any

ⁱⁱⁱ *Spirit of Laws*, vol. I, bk. IV, ch. 4, 33.

^{iv} *Spirit of Laws*, vol. I, bk. X, ch. 3, 134.

particular love for the Germans on his part, but it is a part of this climatological thing. The northern climate—not of course Greenland—but the northern climate is the best climate for development of courage, energy, and this kind of thing. Whereas Christianity comes from a climate favorable to despotism, as is shown by the history of the Near East to say nothing of the Far East.

Now a last point: Montesquieu's starting basis as far as he is a political philosopher is natural right. But natural right presupposes nature of course. And therefore the basis is nature as he understands it. And this is shown in the context of the *Spirit of Laws* by the emphasis he puts on climate. The natural right can become effective only under certain climatic conditions. You will hear more of that later on. But even under the right climatic condition, there is still need for reason and knowledge. For example, the old . . . didn't know these fine things which the eighteenth century British knew about—cruel and unusual punishments, and other matters. So what we need, and what is according to Montesquieu a fact, is a progress of knowledge, a progress which has taken place in modern times especially—you remember the passage which we just read about *our* philosophy. That means the philosophy which we have now: Descartes, Newton, and so on. The progress of knowledge is according to Montesquieu necessarily accompanied by the diffusion of that knowledge. The clearest passage is in the twelfth Book, chapter 2, the second paragraph before the end.

Mr. Reinken: Page 184. "The knowledge already acquired in some countries, or that will hereafter be acquired in others, concerning the surest rules to be observed in criminal judgments, is more interesting to mankind than any other thing in the world."^v

LS: That is a very strong statement, "any other thing in the world." But the reason why I refer you to this passage is the expression, "the knowledge which one has acquired in some countries, and which one *will* acquire in others." Here he prophesizes that this knowledge will spread. And he cannot make this prophesy if there is no necessity for its spreading. So the progress of knowledge is crucial for the actualization of the best order possible. But this is not the only thing. There is another condition. Let us turn⁵⁵ [to] Book XV, chapter 8: "Uselessness of Slavery Among Us," the third paragraph.

Mr. Reinken: Page 241, top. "No labor is so heavy but it may be brought to a level with the workman's strength, when regulated by equity, and not by avarice. The violent fatigues which slaves are made to undergo in other parts may be supplied by a skilful use of ingenious machines. The Turkish mines in the Bannat of Temeswaer, though richer than those of Hungary, did not yield so much; because the working of them depended entirely on the strength of their slaves."

LS: Yes, now let us see the next paragraph.

^v In original: "The knowledge already acquired in some countries, or that will be hereafter attained in others, concerning the surest rules to be observed in criminal judgments, is more interesting to mankind than any other thing in the world." *Spirit of Laws*, vol. I, bk. XII, ch. 2, 184.

Mr. Reinken: “I know not whether this article be dictated by my understanding or by my heart. Possibly there is not that climate upon earth where the most laborious services might not with proper encouragement be performed by freemen. Bad laws having made lazy men, they have been reduced to slavery because of their laziness.”^{vi}

LS: Yes, let me see, there is one more, Book XVIII, chapter 15.

Mr. Reinken: Page 277. “Of People who know the Use of Money”:

“Aristippus being cast away, swam and got safely to the next shore, where beholding geometrical figures traced in the sand, he was seized with a transport of joy, judging that he was amongst Greeks, and not in a nation of barbarians.

“Should you ever happen to be cast by some adventure amongst an unknown people; upon seeing a piece of money you may be assured that you have arrived in a civilized country.

“The culture of lands requires the use of money. This culture supposes many inventions and many degrees of knowledge; and we always see ingenuity, the arts, and wants making their progress with an equal pace.”^{vii}

LS: Well one would translate this better, “the arts, the sciences, and the needs.” “*Les connoissances*” cannot be literally translated in English “the knowledges.” “Ingenuity” is surely a better translation. Yes, now what does he imply here: progress of knowledge, but not only progress of knowledge but also what we would now call technological progress, which is not identical with scientific progress because there are quite a few inventions which were not due to science, at least in earlier times.

This gives rise to a very important question of which Montesquieu doesn’t seem to have been aware, but of which we are aware in retrospect and we cannot forget that⁵⁶: technological progress as it appears to us now apparently has no assignable limits. Think only of space exploration, the tremendous implications which that has, and also let us not disregard nuclear developments. We are confronted by the possibility of a conquest of nature, a subjugation of nature, whose limits one cannot assign. Now if this is so, does this not render questionable the use of nature as the standard? Think only of the great importance still attached by Montesquieu to the natural process of generation of children. Now if you can have artificial insemination, is the marriage then in any way necessary for procreation and child-rearing and so on, and so on? If one can conquer nature, one can of course also conquer human nature, mold it in various ways. Nature ceases to be the evident standard which it was in the past. There is a certain awareness of this state of things in Montesquieu in so far as he distinguishes between the laws of reason and the laws of nature. And the laws of nature are here no longer in any way normative laws.

^{vi} *Spirit of Laws*, vol. I, bk. XV, ch. 8, 241.

^{vii} In original: “The culture of lands requires the use of money. This culture supposes many inventions and many degrees of knowledge; and we always see ingenuity, the arts, and a sense of want making their progress with an equal pace.” *Spirit of Laws*, vol. I, bk. XVIII, ch. 15, 277-78.

They are laws like Newtonian laws. And the laws of reason are those which determine, say, the right order of penalties, etc.

Montesquieu belongs to a stage in this modern development where the progress of knowledge, going together with technological progress, seemed to assure an ascent to ever greater well-being, and that meant to an ever greater realization⁵⁷ of natural right. But this very process—scientific and technological progress—ever more undermined the possibility of believing in natural right. That's our situation today.

The ordinary discourse on this subject is based on the fact⁵⁸ [that] people want to have decent housing, and all kinds of other decencies, but what is decent here, what is the standard for that? According to social science, there can be no standard for that. People are then satisfied sometimes and say⁵⁹ [these are] the American ideals, the ideals of the American society. But how⁶⁰ [is it] that Mrs. Gandhi and President Johnson can talk about these matters? They must have a large base of agreement. This is not merely American, nor for that matter Indian. There is still seemingly a common humanity, and we are unable to spell this out theoretically. There was a stage in between, presented perhaps most clearly by Kant, where the law of reason in contradistinction to any natural law seemed to fulfill this function of supplying a⁶¹ universal norm by which man could take his bearings. But this has also lost its power for related reasons into which I cannot now go. Yes.

Student: Yes, but didn't Rousseau and Aristotle, for instance, have a larger concept of nature? That is, in one way nature can be appropriateness to the particular stage of man's development. It may be natural for man to be a hunter at one stage in his development—

LS: Well there is no difficulty in that. This they always admitted. But the question is then simply this: Why is the hunting stage a lower stage than that of the city? Whereas from the present-day point of view, of course people still say that, that this is lower, but they can no longer theoretically justify that.

Same Student: Well, I would think with a construction of man—

LS: Yes, then you are very close to natural law, or natural right, and this is strictly forbidden according to the present-day notions in social science. Have you ever heard about this fact-value distinction?

Same Student: Yes.

LS: Well, then you must know that. According to the most vulgar view, which is unfortunately the most common view, in the sphere of values there is no possibility of rational argument, except only the very uninteresting one, that if you want value "x," let us assume that would be the beauties of the feudal order, it can easily be proven to you that you will never get it under the conditions of the twentieth century⁶². The realization of this or that value system is not possible under these and these circumstances—that the social scientist can do. But this is⁶³ not decisive, because while you can surely not

establish King Arthur in present-day America, as Mark Twain has so beautifully proven, you cannot possibly know whether you might not prepare such a society by the proper steps. That is not settled. The so-called ultimate values, about right and wrong, the social scientist cannot say anything.

Same Student: Yes, but isn't nature a changing concept, that is, doesn't it grow as man grows?

LS: But how do you distinguish between growth and decay. I mean in the case of a tree you can simply say it grows, because if you look at as it was last year and look at it now, you see that it has grown. How will you establish growth in the case of man? If he knows more, quantitatively more—say he has learned by heart another telephone book, or whatever it may be, you can hardly call this growth, because he will also have become more stupid by this process.

So you have to know what does human growth mean. What are the ideal terms of that growth? What is the direction? In the case of a tree, and also the physical growth of a man, the direction is clear, upward. But in the case of the development of the human mind and character, the direction is not so clear. If you go into any of these questions, you see there are always difficulties which arise. This you cannot so easily establish. As long as it was understood that, for example, science and morality are essential ingredients of human excellence, and this is known to be, it was possible to argue on that basis. Today—the scientist takes it for granted that science is valuable, but there is no intrinsic necessity to regard science as valuable, because otherwise you would have an objective value.

Same Student: The well-being of man.

LS: I'm not speaking now of what the people in Washington or Chicago [say], but I'm speaking now only of what our friends in the profession say. That's our most immediate concern. And they say that it's impossible. You can accept the values of your society—for practical purposes you have to—but this doesn't mean that they are superior to the values of the aborigines of Australia, to say nothing of Zen Buddhism, or what[ever] else people might say. This is today I think elementary. People forget about it quite frequently, which is a great compliment to the heart but it is not a compliment to the intellect. Because they want to be, as they call themselves, intellectuals. They don't call themselves "cardicordials."

Same Student: Well is it from a fear to judge, or what? Our power to judge is still with us.

LS: No, I believe there is a very common frailty which can be quite charming, and not more than that, and that is that man likes to eat the cake and have it. Have you observed this? I mean they like to eat the cake, meaning perfect freedom from any attachments, any commitments; and on the other hand, they also would like to be humane, decent. To say, for example, that the social scientist as social scientist has no right to argue that the

American polity is superior to the Nazi polity—I have heard this from very distinguished members of the profession. It is, in fact, the commonly accepted opinion. This is a necessary implication of the present-day view. I don't say that Max Weber, who originated this in a way, would ever have admitted that. But the present-day view is doubtless this.

Some of them might probably say that the simple refutation of Hitler is what he did to Germany. He brought Germany down in a way in which it never was down. But you cannot know the future. In addition, this kind of argument is never decisive because one doesn't know whether Hitler regarded the extermination of the European Jews as more important than the victory⁶⁴ [of] Germany. It's hard to say. And he succeeded quite well. But we cannot open up this whole issue now. I admit one thing. I observed when I read a few of these more recent books on methodology of the social sciences that the view which was prevalent in the forties and the early fifties—namely this sweeping view, no value judgments whatever—has given way to some hemming and hawing. That I have observed. Whether this means an intellectual progress, however, would depend on the degree of clarity and reflection with which it is done. Today I think they don't talk so much anymore about the strictly value-free social science and regard any transgression of this rule as gross indecency in academic halls. I believe that has changed a bit. Whether this is due to the fact that fascism has lost its attraction in most parts of the world, and [that] they believe with communism you can make a deal because it will become more liberal and this country will become more socialist, this I am completely unable to say. But it would be worthwhile to examine that.⁶⁵

Now this much in the way of a reminder of what we have read in the first twenty books. We turn now to Book XXI. A word about the structure. Well, very briefly, the first thirteen books can be said to be political, unqualifiedly political, but within these Books I-XIII this great movement from virtue to freedom takes place. Freedom comes to the fore as the theme in Books XI-XIII. And then we have four [or] five⁶⁶ [books] devoted to the conditions of all politics, all human life—climate and other natural conditions of that kind, XIV-XVIII.

And then in Book XIX this is a kind of summary. There Montesquieu speaks prematurely, but knowingly, of how these various ingredients which give the character to society—the political, the climatic, religion, and so on—form what we now call a national character. A national character is a product of “n” factors, the view which would prevail today, I take it, as a matter of course. But for some reason Montesquieu discusses this before he has discussed all the various factors which enter national character. After he's through with this in Book XIX, he turns to the subject of commerce, to which he devotes three books, XX-XXII. Then he turns to the question of the element of population, over- or under-population and everything else connected with that, in Book XXIII. And then finally to religion, Books XXIV and XXV.

What the rest of the books mean we will see later. But since obviously commerce, population, and religion are ingredients of national character, Book XIX, the book on national character and the general spirit, should be at the end of that. Why Montesquieu

proceeded in the other manner is a question which we have not discussed and which we can perhaps not discuss before we are through with the whole book. Let us turn now to Book XXI, which is supplied with some maps in my edition.⁶⁷ They deal with the history of trade. Let us read the title.

Mr. Reinken: “Of Laws in Relation to Commerce, Considered in the Revolutions it has met with in the World.”

LS: Yes, “it,” namely commerce. Now revolution is here used in the sense of profound changes, not more. You know what it originally means, turning around, like the revolutions of the stars which come back to the same point. That is revolution. Now it has a meaning which is not a coming back, but the emergence of something absolutely new. That is a more recent development. And the link between these two meanings is the meaning of a profound change. They revolve, i.e., they change their direction, change, profound change. And then if you have profound change,⁶⁸ you can also get the political meaning where revolution means a profound or radical change without any notion of a coming back, of a *re*-volution.⁶⁹

Book XXI⁷⁰, as its title shows, [is] the first that deals explicitly with what we can call history, the history of trade. There will be other historical books later, books XXVII-XXVIII and XXX-XXXI. But they are historical in a different sense of the word. We will discuss that when we come to it. So these profound changes which trade has undergone. And this raises immediately the question with a view to what I said at the end of my introduction, fifteen minutes ago: are there limits to change, assignable limits? Now let us read the first paragraph of the first chapter.

Mr. Reinken: “Though commerce be subject to great revolutions, yet it is possible that certain physical causes, as the quality of the soil, or the climate, may fix its nature forever.”

LS: “forever.” He doesn’t say definitely; he says it may happen, “*il peut arriver.*” And the end of the same chapter.

Mr. Reinken: “The Indies have ever been the same Indies they are at present; and in every period—”^{viii}

LS: “The Indies *have* been, the Indies *will* be what they are at present.” So, in other words, India is a great example, no change is possible there. In certain respects at least there are absolute limits to the character of trade. Now this is generally speaking the posture of Montesquieu: there are assignable limits, surely as far as the extra-European countries are concerned, especially Asia and Africa. He speaks in the second chapter of the peoples of Africa. Chapter 3, we cannot read this whole. Now let us see, of the two kinds of peoples in Europe, those in the South and those of the North, “To one . . .”

^{viii} *Spirit of Laws*, vol. I, bk. XXI, ch. 1, 331-32.

Mr. Reinken: “To one nature has given much, and demands but little; to the other she has given but little, and demands a great deal. The equilibrium is maintained by the laziness of the southern nations, and by the industry and activity which she has given to those in the North. The latter are obliged to undergo excessive labor, without which they would want everything, and degenerate into barbarians. This has neutralized slavery to the people of the south—”

LS: “naturalized,” “*C’est ce qui a naturalisé.*”

Mr. Reinken: “—naturalized slavery for the people of the south: as they can easily dispense with riches, they can more easily dispense with liberty.”

LS: “*still* more easily.”

Mr. Reinken: “But the people of the North have need of liberty, for this can best procure them the means of satisfying all those wants which they have received from nature.”^{ix}

LS:⁷¹ This is another sign of the limits which nature has put. The southern European nations here are not fit for freedom as the northern nations [are]. And France is in the middle, so one doesn’t know how she will behave in the future. But the implication here is also important: it is better for man if nature is niggardly. The less desirable [the] climate—the harsh climate of northern Europe⁷²—[the] better for man’s growth. Now in chapter 4, the title:

Mr. Reinken: “The Principal Difference between the Commerce of the Ancients and of the Moderns.”

LS: Yes, this chapter and quite a few more deal with the difference between the ancients and moderns regarding commerce, i.e., they deal again with the great quarrel between the ancients and moderns in this particular respect. Yes.

Mr. Reinken: “The world has found itself, from time to time, in different situations; by which the face of commerce has been altered. The trade of Europe is, at present, carried on principally from the north to the south; and the difference of climate is the cause that the several nations have great occasion for the merchandise of each other.”

LS: Next paragraph.

Mr. Reinken: “The ancient commerce, so far as it is known to us, was carried on from one port in the Mediterranean to another; and was almost wholly confined to the South. Now the people of the same climate, having nearly the same things of their own, have not the same need of trading amongst themselves as with those of a different climate. The commerce of Europe was, therefore, formerly less extended than at present.

^{ix} *Spirit of Laws*, vol. I, bk. XXI, ch. 3, 332.

“This does not at all contradict what I said of our commerce to the Indies: for here the prodigious difference of climate destroys all relation between their wants and ours.”^x

LS: So, the commerce of Europe is now much more extended than it was in ancient times. In this respect surely a great progress has taken place. And this progress is connected with the political progress, as we know already, because we did not have this wonderful system like Britain in ancient times.⁷³ Britain is not only a democracy, a republic in Montesquieu’s terms, but it is a commercial republic. So this is connected. Chapter 6, “Of the Commerce of the Ancients,” the beginning of the second paragraph:

Mr. Reinken: “The effect of commerce is riches; the consequence of riches, luxury; and that of luxury the perfection of arts.”^{xi}

LS: Let us stop here.⁷⁴ Montesquieu is in favor of commerce, as we know already; therefore he must be in favor of luxury, because that follows necessarily. That is one of these private vices which are public benefits. And here is incidentally the beginning of Rousseau’s public activity, his *Discourse on the Sciences and the Arts*, where he attacks the whole modern movement in the name of virtue, opposing here of course also Montesquieu, although he doesn’t mention him.

Student: In the discussions earlier in the book he mentioned at one point that the bad effects of commerce, i.e., the luxury and the relaxation that would take place because people were already rich, could be counteracted by laws, sort of the point which Machiavelli says that it is better to pick a rich, fertile spot to build your country and then make the men hard by laws⁷⁵.

LS: Yes, that is quite true, but you must not forget that there is a certain movement in the argument of Montesquieu and we are now in the midst of the modern . . .

Student: This would imply then that his earlier statements, that although there might be a possibility of keeping down the bad effects of commerce with respect to luxury, that it would become too difficult to do so.

LS: You mean the distinction which he makes between the commerce of luxury and the commerce of economy?

Student: No, I’m just wondering what this says then. In other words, at the beginning he said you could have commerce and still not have the bad effects. Now he disregards that⁷⁶—

LS: No, you have to accept quite a few of these morally bad effects. We have already read the statement of principles. You won’t get pure morals, but mild manners, and that he prefers. A little bit later in this same chapter, “In those times—”

^x *Spirit of Laws*, vol. I, bk. XXI, ch. 4, 333.

^{xi} *Spirit of Laws*, vol. I, bk. XXI, ch. 6, 334.

Mr. Reinken: 336 top. “In those times their pilots were obliged to follow the coasts, which were, if I may so express myself, their compass. Voyages were long and painful. The laborious voyage of Ulysses has been the fruitful subject of the finest poem in the world, next to that which alone has the preference.”

LS: So, we consider this in the context, after all it is not necessary to make this remark on the *Odyssey*—that is a reminder, we will find another one later on. Great technological progress, the compass for example, and everything going with that, but rather a decline in poetry. There is not a finer, or equally fine poem like the *Odyssey* in modern times. So he is not simply on the side of the moderns in this complicated quarrel. Now I think there is one more passage in this rather long chapter which we should read, towards the end of the second paragraph from the end of this chapter.

Mr. Reinken: “If this be the case at a time when the arts are everywhere known, at a time when art corrects the defects of nature, and even those of art itself; if at this time, I say, we find this difference, how great must that have been in the navigation of the ancients?

“I cannot yet leave this subject. The Indian vessels were small, and those of the Greeks and Romans, if we except those machines built for ostentation, much less than ours.”^{xii}

LS: Yes, only as a further illustration of this technological progress as we would call it. Now in the next chapter he deals with the commerce of the Greeks. Let us read only the third paragraph—because Athens was, after all, a great commercial center.

Mr. Reinken: “A people whose heads were filled with ambitious projects; the Athenians, who augmented their jealousy instead of increasing their influence; who were more attentive to extend their maritime empire than to enjoy it; whose political government was such that the common people distributed the public revenues among themselves, while the rich were in a state of oppression; the Athenians, I say, did not carry on so extensive a commerce as might be expected from the produce of their mines, from the multitude of their slaves, from the number of their seamen, from their influence over the cities of Greece, and, above all, from the excellent institutions of Solon.”^{xiii} Their trade was almost wholly confined to Greece and to the Euxine Sea, whence they drew their subsistence.”

LS: In other words, again the clear superiority of the moderns. Let us now turn to the last paragraph of this chapter.

^{xii} *Spirit of Laws*, vol. I, bk. XXI, ch. 6, 336-38.

^{xiii} In original: “The Athenians, a people whose heads were filled with ambitious projects; the Athenians, who augmented their jealousy instead of increasing their influence; who were more attentive to extend their maritime empire than to enjoy it; whose political government was such that the common people distributed the public revenues among themselves, while the rich were in a state of oppression; the Athenians, I say, did not carry on so extensive a commerce as might be expected from the produce of their mines, from the multitude of their slaves, from the number of their seamen, from their influence over the cities of Greece, and, above all, from the excellent institutions of Solon.”

Mr. Reinken: “What a source of prosperity must Greece have found in those games with which she entertained, in some measure, the whole globe; in those temples, to which all the kings of the earth sent their offerings; in those festivals, at which such a concourse of people used to assemble from all parts; in those oracles, to which the attention of all mankind was directed; and, in short, in that exquisite taste for the polite arts, which she carried to such a height that to expect ever to surpass her would be only betraying our ignorance!”^{xiv}

LS: Yes, so that is clear. However great our technological progress may be, we cannot seriously speak of a progress of modern art and poetry beyond Greek art and poetry.

Student: Speaking of it as it was in his time and probably in ours too, this is because we concern ourselves so much with commerce that we don’t have time for anything else?

LS: Not necessarily this, but the development of the arts—of the fine arts⁷⁷ here—can be achieved on a rather simple technological basis. It doesn’t require all the complications which we have now. We must not forget that even Marx in one of his early writings, or is it a letter, I do not know, takes it for granted that Greek poetry is the highest, and it is for him a question how is this possible since in all other respects modernity has surpassed the Greeks. And he brings it together with something, he uses a metaphor to explain that: Greece is, as it were, the childhood of the human race. And there is something which belongs to the virtues, as it were, of childhood. And, on the other hand, modernity is the maturity of man, something of this kind. I’m quoting from memory.

Student: Montesquieu said that?

LS: No,⁷⁸ this came much later. The only one who saw, at least the only one known to me, who was from the very beginning absolutely doubtful of this modern experiment was Jonathan Swift, in his *Gulliver’s Travels*, Book III, when he describes this house—I forget the name, was it Laputa—at any rate it was the Royal Society in London, and the kind of theoretical and practical problems they tried to solve. For example, this beautiful conceit, they had to breed sheep without wool. That existed nowhere, and it would be quite a feat to get them. And also, some slightly indecent, which I do not mention, which also reminds me of some research projects of which I have read in more recent times. But Swift’s point is quite unusual. I do not know to what extent John Donne could be mentioned in this connection, I couldn’t say. He surely also was very skeptical about what was going on. But I do not know him sufficiently to say anything about that.

In the next chapter he speaks of the progress of geography in modern times, [the] progress of navigation. It seems that this book was at the time an historical achievement as a history of trade which did not exist in the same way before.⁷⁹ We simply do not have to prove again and again that for Montesquieu it was obvious that modern trade was by far more extensive than ancient trade. In chapter 11, somewhere in the center where he mentions, “Today the mines of Hanover in Germany don’t have a fourth of the workers

^{xiv} *Spirit of Laws*, vol. I, bk. XXI, ch. 7, 339-41.

which one employed in the mines of Spain, and these mines render much more.”^{xv} So in other words, because of the technological progress. But I don’t wish to conclude this meeting on such a dull tone, and therefore I suggest that we consider a passage from the end of chapter 20, but we must consider a few passages which I now omitted. The second paragraph from the end.

Mr. Reinken: “We begin to be cured of Machiavelism, and recover from it every day.” This is page 366.

LS: “One has begun to cure oneself from Machiavelism, and one *will* cure oneself from it more and more.”

Mr. Reinken: “More moderation has become necessary in the councils of princes. What would formerly have been called a master-stroke in politics would be now, independent of the horror it might occasion, the greatest imprudence. Happy is it for men that they are in a situation in which, though their passions prompt them to be wicked, it is, nevertheless, to their interest to be humane and virtuous.”^{xvi}

LS: That is quite a statement. That is, I think, one can say the liberal illusion in a very noble form⁸⁰. By virtue of the fact that the exchange in Amsterdam has been established, which is wholly independent of the power of the big military monarchies, especially Spain, and the military monarchies depend on the exchange in Amsterdam, which they can in no way control, the money market, there is now a power beyond politics, beyond Machiavelism, which they have to obey.

This was published for the first time eight years before the outbreak of the Seven Years War and eight years after Frederick the Great’s first Machiavellian deed, the first Silesian war. There was a Frenchman in the nineteenth century, Joly, under Napoleon III, who wrote a book, a dialogue between Machiavelli and Montesquieu, where Montesquieu is made to say, quite correctly as we have seen, these things cannot happen anymore.^{xvii} And Machiavelli shows him they can happen very easily. A few changes in the given situation would bring it about. And he meant the changes which Napoleon III brought about at the beginning of his empire. This became the source of that infamous work, how is it called, *The Protocols of the Elders of Zion*. Only it was here rewritten so that not Machiavelli but a council of sages of Zion would bring about this Machiavellian thing. But to come back to the point which Joly made, he had a point, there is no doubt about it, and this remark alone which I just read would justify it.

Well at that time when this belief—this noble⁸¹, liberal, [and generous] belief⁸²—was still so rare, it had an attraction which it cannot longer have and you find it in every gutter as today. I hope that is an intelligible assertion. It is still in many cases charming and touching, but, as I say, it lacks the luster which it originally had.⁸³ Now⁸⁴ people would

^{xv} *Spirit of Laws*, vol. I, bk. XXI, ch. 11, 354.

^{xvi} *Spirit of Laws*, vol. I, bk. XXI, ch. 20, 366.

^{xvii} Maurice Joly (1829—1878), French satirist and lawyer, author of *Dialogue aux enfers entre Machiavel et Montesquieu* (1864).

say sure he was wrong, because what came into power after him was capitalism with all its followers, but wait, that will come when socialism or a liberalized communism will come. As if these nasty, beastly things in man can ever be abolished by any social change. You can get rid of some, but you will get others in their stead. You can be pretty sure of that. So it is quite interesting.

¹ Deleted "Now."

² Deleted "Now."

³ Deleted "of course."

⁴ Deleted "Now."

⁵ Deleted "so."

⁶ Deleted "Now."

⁷ Deleted "does is that he."

⁸ Deleted "and the reason is."

⁹ Deleted "Good. Now but."

¹⁰ Deleted "At any rate, the difficulty – I cannot repeat what I said last time. I say only this much.."

¹¹ Deleted "who."

¹² Deleted "Good. And."

¹³ Deleted "frequently."

¹⁴ Deleted "Now."

¹⁵ Deleted "And."

¹⁶ Deleted "of course,."

¹⁷ Deleted "of course."

¹⁸ Deleted "Now."

¹⁹ Deleted "is, and also against Locke, is this.."

²⁰ Deleted "form,."

²¹ Deleted "what is."

²² Deleted "well."

²³ Deleted "that."

²⁴ Deleted "and."

²⁵ Deleted "to reduce it to its simple [inaudible], of."

²⁶ Deleted “yes,.”

²⁷ Deleted “of course.”

²⁸ Deleted “or the only....”

²⁹ Deleted “no.”

³⁰ Deleted “if you replace the quest for the best regime.”

³¹ Deleted “is of course necessarily.”

³² Deleted “Well.”

³³ Deleted “of course.”

³⁴ Deleted “excepting.”

³⁵ Deleted “they.”

³⁶ Deleted “by [inaudible], parliamentarianism....”

³⁷ Deleted “Well.”

³⁸ Deleted “. And.”

³⁹ Deleted “that .”

⁴⁰ Deleted “which.”

⁴¹ Deleted “absolutely impossible, and.”

⁴² Deleted “estates.”

⁴³ Deleted “things like, well.”

⁴⁴ Deleted “it.”

⁴⁵ Deleted “and.”

⁴⁶ Deleted “that.”

⁴⁷ Deleted “And.”

⁴⁸ Deleted “which.”

⁴⁹ Deleted “of course.”

⁵⁰ Deleted “is.”

⁵¹ Deleted “”The inhabitants of a conquered country – “,

LS: No, ‘The first manner is conformable ...’

Student: Yes, fourth chapter, rather fourth paragraph in Nugent, page 134, second paragraph from the bottom:."

⁵² Deleted ", no, no."

⁵³ Deleted "Good."

⁵⁴ Deleted "well."

⁵⁵ Deleted "of."

⁵⁶ Deleted ". And that is this. Now."

⁵⁷ Deleted "of what."

⁵⁸ Deleted "of course."

⁵⁹ Deleted "this is."

⁶⁰ Deleted "come."

⁶¹ Deleted "norm, a."

⁶² Deleted ", this kind of thing."

⁶³ Deleted "of course."

⁶⁴ Deleted "in."

⁶⁵ Deleted "Good."

⁶⁶ Deleted "chapters."

⁶⁷ Deleted "Now."

⁶⁸ Deleted "then."

⁶⁹ Deleted "Now this."

⁷⁰ Moved "is."

⁷¹ Deleted "Well."

⁷² Deleted "is."

⁷³ Deleted "And."

⁷⁴ Deleted "So here we have luxury that is ... I mean,."

⁷⁵ Deleted "rather than"

⁷⁶ Deleted ". Is that an indication that those laws"

⁷⁷ Deleted "of course."

⁷⁸ Deleted “no.”

⁷⁹ Deleted “Now, let me see. Yes,.”

⁸⁰ Deleted “, that.”

⁸¹ Deleted “and.”

⁸² Deleted “this”, moved “generous belief.”

⁸³ Deleted “And.”

⁸⁴ Deleted of course.”

Session 3: April 4, 1966

Leo Strauss: Now today we ask Mr. Mueller to read his paper [the paper is read]. Now this speculation at the end of your paper we will consider when we have read the other books.¹ One point which you made which I did not quite follow: the bankers are in a way a kind of world government² or at least inter-European government?

Mr. Mueller: Yes.

LS: And what is their motivation?

Mr. Mueller: Well, let's not say avarice, but self-interest.

LS: Self-interest, I see. And yet, why are they preferable as a European government to the ordinary governments?

Mr. Mueller: Well, they can prevent these Machiavellian strokes, this debasement of coinage, by refusing to accept the coin of the state which is sent to their exchange. This checks to a degree, or makes less likely, the success of those.

LS: And this is not due to any philanthropy on their part?

Mr. Mueller: Oh no.

LS: Good. I only wanted to make this quite clear. Because you see later on a countryman of Montesquieu, Auguste Comte,³ thought the government of the future should⁴ be the bankers and industrialists, but with this implication, that there must be an equivalent to the powers spiritual of the Middle Ages. And this would be the men of science who would not have of course temporal power—that's excluded by definition—but who would through their influence on public opinion compel them to behave. Is there any equivalent to this power spiritual in Montesquieu?

Mr. Mueller: Well, if the sect of the stoics were still around, but it's not. The ghost of the Papacy? Perhaps in the books on religion, after all, it's clear that mild, temperate Christianity does temper and make mild the manners and ameliorate things to a degree.

LS: But does not Montesquieu have a greater trust in the natural mechanism, so that you do not need a human group to be the power spiritual? To some extent, of course, you need men like Montesquieu or Adam Smith who explain to these greedy people what is most conducive to their getting more money, from their unenlightened self-interest to their enlightened self-interest.

Mr. Mueller: He mentions one banker by name of course. He mentions Bernard. I think it's the only proper name, except for some emperors.

LS: Yes, I do not know. The name of course is very unrevealing. It could have been a Jew. It could have been one of these Huguenots, whose spirit⁵ had come back in the eighteenth century. I do not know. I would have to look up a biography, which I haven't done.

Mr. Mueller: Well, of course, he mentions Law too—

LS: Sure, but this is almost an institution. Well, thank you very much. Now let us turn to Book XXII. Mr. Mueller reminded us again of this crucial remark in Book XXI, which we read at the end of the last class about the great change, at the end of chapter twenty, "One has begun to cure oneself from Machiavellism—"

Mr. Reinken: "We begin to be cured of Machiavellism, and recover from it every day. More moderation has become necessary in the councils of princes. What would formerly have been called a master-stroke in politics—"

LS: A *coup d'état*.

Student: A blow of state.

LS: What is the ordinary translation?

Mr. Reinken: Well, *coup d'état* usually means a palace revolution—

LS: No⁶ —

Mr. Reinken: when used untranslated, the word has been naturalized. A stroke of statecraft seems the only way to translate it in context: "a master-blow in politics, would be now, independent of the horror it might occasion, the greatest imprudence."ⁱ

LS: That is all that we need. In other words, this certainty which Montesquieu has—among the greater men surely the first—it can never happen again. We have reached a certain stage where certain things are impossible for the future. And of course this takes various forms in the course of time. What today a liberal could say would never happen again is very different from what Montesquieu says, but the thought itself is the same and is an innovation. Formerly it was always taken for granted by thinking people that whatever we have achieved—[whether] a high level of civilization, or a medium level—there is always a danger of collapse into barbarism and in many different ways, through the victory of barbarians,⁷ natural catastrophes, or whatever.

ⁱ *Spirit of Laws*, vol. I, bk. XXI, ch. 20, 366.

Let us now turn to Book XXII: The Laws in the Relation which They Have to the Use of Money. Now first of all what is the purpose of money? Mr. Mueller rightly pointed out both the connection and the difference between Montesquieu and Aristotle. Can you repeat the main point, Mr. Mueller?

Mr. Mueller: Yes, for Aristotle money is not convertible with things in the same way that it is for Montesquieu. Things don't represent money as they do for Montesquieu. Money is a medium of exchange, but a thing which you may sell for money was not intended for that purpose. It had an intrinsic end, whatever it is, its end, its nature. For example, a shoe is to be worn, not to be sold, essentially. But of course the shoemaker has to live. While for Montesquieu I think one could really go so far as to say that things in a way are denaturalized by this absolute convertibility or interchangeability.

LS: Yes, and is there not a connection between this and paper money in particular?

Mr. Mueller: Certainly. Paper money has no intrinsic use value as do gold and silver, even though that may be relatively slight, which Montesquieu certainly agrees [with]. He wants, as I said, to diminish the importance of money as money, to minimize the overvaluation of gold and silver and to emphasize its use in getting commerce going and he wants circulation.

LS: And as for the root of the difference between Montesquieu and Aristotle, you said it has something to do with the question of security in Montesquieu.

Mr. Mueller: Well I think he wants to diminish the importance of gold and silver in themselves in order to emphasize paradoxically that liberty and security of possessions are desirable in themselves. If you have gold and silver, they are not so easily transportable as paper money. I suppose, as I just indicated in passing, that there is a large anti-mercantilist argument here implied, or quite explicit, that is, I assume that he was arguing against mercantilists who were still around.

LS: Well let us see. We might come back later to the question of whether this complete convertibility of money and things of which Montesquieu speaks is not related to the existence of paper money and the peculiar nature of paper money.

Mr. Mueller: Well yes certainly, I think it is. But it's just as good, as he clearly says.

LS: Yes, but what is implied, what way of thinking is implied in the phenomenon of paper money?

Mr. Mueller: An abstraction from positive law, till you get higher and higher abstractions.

LS: Yes?

Another Student: I was going to say this is an obvious difference with Locke in that the security in a system of paper money can be regulated by the state. The king or the prince can always take this bit of paper and say it can be exchanged for a certain amount of goods.

LS: Yes, but this is of course subject to the trust which he finds. That is the point which Montesquieu makes. Now let us turn to chapter 2, “On the Nature of Money.” There it is made clear that money is a sign which represents the value of all merchandise, not of all things because, for example, virtue cannot be bought by definition for money.

Student: Virtue is not exchangeable.

LS: It’s not a merchandise, yes. Now let us see at the beginning of chapter 2.

Mr. Reinken: “Money is a sign which represents the value of all merchandise. Metal is chosen for this sign, as being most durable, because it consumes but little by use; and because, without being destroyed, it is capable of many divisions.ⁱⁱ A precious metal has been chosen as a sign, as being most portable. A metal is most proper for a common measure, because it can be easily reduced to the same standard. Every state fixes upon it a particular impression, to the end that the form may correspond with the standard and the weight, and that both may be known by inspection only.

“The Athenians, not having the use of metals, made use of oxen, and the Romans of sheep; but one ox is not the same as another ox in the manner that one piece of metal may be the same as another.”

LS: These are old things, but still worth restating. At any rate he explains here why precious metals are more desirable as signs. Now we come then to paper money right here in the next paragraph.

Mr. Reinken: “As specie is the sign of the value of merchandise, paper is the sign of the value of specie; and when it is of the right sort it represents this value in such a manner that as to the effects produced by it there is not the least difference.”ⁱⁱⁱ

LS: All right. So, in other words, what is paper money? The sign of the value of silver, which in its turn is the sign of the value of merchandise. It lacks some characteristics of money proper, obviously. But the key point is it is the sign of a sign. And that is what you meant by the peculiar abstractness, which presupposes a peculiar abstractness of thinking in those who invented it or used it intelligently. And therefore this is linked up with graver questions of philosophy.⁸ Now let us turn to the next paragraph.

Mr. Reinken: I think of Newton running the mint, no accident.

ⁱⁱ In original: “Metal is taken for this sign, as being durable, because it consumes but little by use; and because, without being destroyed, it is capable of many divisions.”

ⁱⁱⁱ *Spirit of Laws*, vol. I, bk. XXII, ch. 2, 374-75.

LS: Yes, it has also to do with—the greatest thing of course is modern algebra compared with ancient arithmetic. There you do not reckon with numbers proper, but with signs of kinds of numbers.⁹ Now let us read the next paragraph.

Mr. Reinken: “In the same manner, as money is the sign and representative of a thing, everything is a sign and representative of money; and the state is in a prosperous condition when on the one hand money perfectly represents all things, and on the other all things perfectly represent money, and are reciprocally the sign of each other; that is, when they have such a relative value that we may have the one as soon as we have the other. This never happens in any other than a moderate government, nor does it always happen there; for example, if the laws favor the dishonest debtor, his effects are no longer a representative or sign of money. With regard to a despotic government, it would be a prodigy did things there represent their sign. Tyranny and distrust make everyone bury their specie; things therefore are not there the representative of money.”^{iv}

LS: So, in other words, money is as such a support of moderate government. Or more precisely, money is a sign of a thing and hence everything is a sign of money. And prosperity is a state in which money represents all things—all exchangeable things we must add, otherwise we are led into great difficulties—and all things represent money. So Montesquieu succeeds in defining property entirely in terms of the relations of things and money—[there is] nothing about standard of living, and so on. We can completely abstract from that. Now let us turn to the next chapter, “On ideal Monies.” Now what does he say about ideal money? Can you repeat the main point, Mr. Mueller?

Mr. Mueller: Yes, he condemns it.

LS: It’s altogether bad.

Mr. Mueller: Yes.

LS: What does he mean by the word “ideal?” What would be the simplest translation of the word?

Mr. Mueller: Conventional.

LS: Nominal, I believe.

Mr. Mueller: Yes, nominal, of course.

LS: Good. That is one interesting meaning of the word “ideal.”

Mr. Mueller: Yes, nominal of the last sense especially of the long paragraph.

^{iv} *Spirit of Laws*, vol. I, bk. XXII, ch. 2, 375.

LS: Yes. Then in the next chapter he turns to the question of the change in the value of money as connected with the quantity of gold and silver. Well, the clearest case is the rarity of the precious metals after the collapse of the Roman empire, and the great influx of the precious metals after the discovery of America. We'll read perhaps chapter 5, first paragraph.

Mr. Reinken: "The bullion drawn from the American mines, imported into Europe, and thence sent to the East, has greatly promoted the navigation of the European nations; for it is merchandise which Europe receives in exchange from America, and which she sends in exchange to the Indies. A prodigious quantity of gold and silver is therefore an advantage, when we consider these metals as merchandise; but it is otherwise when we consider them as a sign, because their abundance gives an alloy to their quality as a sign, which is chiefly founded on their scarcity."^v

LS: Yes, is there anything to say about this point? The key consideration occurs then in Chapter 7, "How the Price of Things is Fixed in the Variation of the Wealth of Signs." The main point, let us read the end of the second paragraph of this chapter.

Mr. Reinken: "But as that which constitutes property among mankind is not all at once in trade, and as the metals or money which are the sign of property are not all in trade at the same time, the price is fixed in the compound ratio of the total of things with the total of signs, and that of the total of things in trade with the total of signs in trade also; and as the things which are not in trade today may be in trade tomorrow, and the signs not now in trade may enter into trade at the same time, the establishment of the price of things fundamentally depends on the proportion of the total of things to the total of signs.

"Thus the prince or the magistrate can no more ascertain the value of merchandise than he can establish by a decree that the relation 1 has to 10 is equal to that of 1 to 20. Julian's lowering the price of provisions at Antioch was the cause of a most terrible famine."^{vi}

LS: You haven't looked up all passages where Julian occurs? You don't have an indexed edition, if there is an indexed edition?

Student: There is in this a very bad index. Well, I did look again in consideration of this and at least in one chapter there is another criticism of him.

LS: No, it makes sense what you say, but it would be good if it were based on complete statistics. Now here the editor of this edition says of this passage: "Montesquieu presents himself here as a preparer of the liberal economists of the nineteenth century. Prices are determined by natural laws. And hence taxation by public authority is in vain," meaning the establishment of prices by public authority is in vain. What is striking is that Montesquieu does not speak here of natural laws, although he makes use of that thought. This has apparently not occurred to him. Now if I omit anything, Mr. Mueller, here as we

^v *Spirit of Laws*, vol. I, bk. XXII, ch. 5, 377.

^{vi} *Spirit of Laws*, vol. I, bk. XXII, ch. 7, 379.

go through the book which you regard as important, interrupt me. And this applies of course to everyone else. I would turn now to chapter 10, "Of Exchange." Let us read that.

Mr. Reinken: "The relative abundance and scarcity of specie in different countries forms what is called the course of exchange.

"Exchange is a fixing of the actual and momentary value of money."

LS: What is the importance of that? Let us read the next two paragraphs.

Mr. Reinken: "Silver as a metal has value like all other merchandise, and an additional value as it is capable of becoming the sign of other merchandise. If it were no more than mere merchandise, it would lose much of its value.

"Silver, as money, has a value, which the prince in some respects can fix, and in others cannot."

LS: Let us then turn to a few paragraphs later when he speaks of Holland.

Mr. Reinken: "In the actual state of the globe, Holland is the nation we are speaking of. Let us examine the course of exchange with relation to her.

"They have in Holland a piece of money called a florin, worth twenty sous, or forty half-sous or gros. But, to render our ideas as simple as possible, let us imagine that they have not any such piece of money in Holland as a florin, and that they have no other but the gros: a man who should have a thousand florins should have forty thousand gros; and so of the rest. Now the exchange with Holland is determined by our knowing how many gros every piece of money in other countries is worth; and as the French commonly reckon by a crown of three livres, the exchange makes it necessary for them to know how many gros are contained in a crown of three livres. If the course of exchange is at fifty-four, a crown of three livres will be worth fifty-four gros; if it is at sixty, it will be worth sixty gros. If silver is scarce in France, a crown of three livres will be worth more gros; if plentiful, it will be worth less."^{vii}

LS: Now what is he here leading up to: Again the point to which he had alluded before, that there is a money power beyond the control of the individual state, unless you say that the exchange in Amsterdam is subject to the power of the United Provinces¹⁰; however, they are too much allied to that money power, [such] that they would¹¹ have no interest in doing anything against them. This is a very long chapter, chapter 10. Is there any other point which you think we should discuss here, Mr. Mueller?

Mr. Mueller: Well, that this sets the price of money, that money itself has a price, and money can represent money, as he said earlier—I suppose that's the principal point. And then the conclusion about Law's system which, as I said, wouldn't seem to call into

^{vii} *Spirit of Laws*, vol. I, bk. XXII, ch. 10, 381-82.

question to a degree the whole morality of this operation of this exchange. Because although it does check princes and does promote beneficent commerce, it can be the means as it was in the case of Law's system for the most dreadful kind of chicanery.

LS: But is not the key point that this restores itself, this disease brought about by such speculation?

Mr. Mueller: Yes, I think that—

LS: And to that extent there is a natural law. No government interference is necessary to . . . these speculations which are out of all contact with the available merchandise and the available real values.

Student: Autarky wouldn't necessarily be good even if it were possible.

LS: No, I think the point of Montesquieu is that it would be bad as such. This was precisely the great change effected in our age by the so-called totalitarian regimes. But the principle was already stated, probably by others, but I know it only from Dostoyevski's political writings, where he spoke against—in his attack on the Westerners, that Russia could simply turn her back to Europe and also economically, especially naturally spiritually, but also economically. How far this influenced communism, I do not know. Now let us turn to chapter 13 on the fiscal policy of the Roman emperors. We read only the last paragraph of this chapter.

Mr. Reinken: "It is evident that such violent proceedings could not take place in the present age; a prince might deceive himself, but he could deceive nobody else. The exchange has taught the banker to draw a comparison between all the money in the world, and to establish its just value. The standard of money can be no longer a secret. Were the prince to begin to alloy his silver, everybody else would continue it, and do it for him; the specie of the true standard would go abroad first, and nothing would be sent back but base metal. If, like the Roman Emperors, he debased the silver without debasing the gold, the gold would suddenly disappear, and he would be reduced to his bad silver. The exchange, as I have said in the preceding book, has deprived princes of the opportunity of showing great exertions of authority, or at least has rendered them ineffectual."^{viii}

LS: Yes, now this is only an important confirmation of the point raised in chapter 20 of the preceding book, a passage to which I referred at the beginning of this meeting. Let us turn to the next chapter, the heading and the whole chapter:

Mr. Reinken: "'How the Exchange is a Constraint on despotic States.'^{ix}

^{viii} *Spirit of Laws*, vol. I, bk. XXII, ch. 14, 392.

^{ix} In original: "'How the Exchange is a Constraint on despotic Power.'"

“Russia would have descended from its despotic power, but could not. The establishment of commerce depended on that of the exchange, and the transactions were inconsistent with all its laws.”

LS: In other words, here is an empirical proof for the truth of his assertion:¹² if you want to have this kind of stability of commerce, you must have non-despotic regimes. So not only a political progress, [but that political progress is] a necessary consequence we can say of the economic progress. You know [how] important this thought is today in our liberal thought. Go on.

Mr. Reinken: “In 1745 the Czarina made a law to expel the Jews, because they remitted into foreign countries the specie of those who were banished into Siberia, as well as that of the foreigners entertained in her service. As all the subjects of the empire are slaves, they can neither go abroad themselves nor send away their effects without permission. The exchange which gives them the means of remitting their specie from one country to another is, therefore, entirely incompatible with the laws of Russia.”

LS: You see, nothing has changed.

Mr. Reinken: “Commerce itself is inconsistent with the Russian laws. The people are composed only of slaves employed in agriculture—”

LS: “attached to the earth,” serfs, in other words.

Mr. Reinken: “—and of slaves called ecclesiastics or gentlemen, who are the lords of those slaves; there is then nobody left for the third estate, which ought to be composed of mechanics and merchants.”^x

LS: Here is this word, “*le tiers-état*,” the third estate. The whole connection is clear now. It is easy to see it in retrospect. The third estate, commerce and industry, a liberal regime—separation of powers, milder punishment—and no possibility of a regression, or relapse: this thought is completely developed in Montesquieu. Yes?

Student: He suggests another distinction which paper money creates. It’s evident here that Russian money is taken at face value at exchange as is all other money in this period. And this is based on specie, since it can be assigned a value in terms of that. But in our own day the money of some countries is not taken at face value. It’s all based on paper and assigned values. And you get a distinction between what is known as hard currency and soft currency.

LS: But here I think Montesquieu implies this at least. Doesn’t he? In the remark which he makes when the prince is doing something fishy about the silver, then his own subjects turn to gold. Even if he would also do funny business with the gold, his subjects may have no choice, but surely the bankers in Amsterdam [would]—

^x *Spirit of Laws*, vol. I, bk. XXII, ch. 14, 393.

Same Student: Sure, but paper money does this on a much larger scale and even to the point where the currency is absolutely worthless.

LS: But the point which the twentieth century totalitarianism makes is this: Czarist Russia was dependent on the international money market, and therefore this was a bit of a restraint. And then the Communists showed that they don't need it. And of course the Russian people had to pay a terrific price for that, but the Communist regime became stronger and stronger by that.

Student: It's curious that if a paper money system is instituted, then in one sense the power is restored to the prince. Before we made the point that, when there is the regulating mechanism of the exchange rate between nations, this in a sense gives power to [a] super-national set of bankers. But if you return to an institution of paper money, then the prince again can regulate the commerce within his nation.

LS: Yes, but since the country is dependent on international trade, what he does to his own subjects is by no means sufficient. And this will lead to further complications.¹³ I couldn't describe to you the mechanism how this would work, but those of you who know more of economics than I do could easily—is there someone?

Mr. Reinken: I was going to say . . . has a note where he shows that Montesquieu is predicting the bilateral trade treaties that these managed economies have to rub along with, like Cuba trying to get some rice from China, that this was the immediate consequence of the princely fixed paper money.

LS: In other words, a kind of return to barter.

Mr. Reinken: Yes, Montesquieu said as much.

Student: Let's put it this way. Say in the United States today, when there's a partial backing of the paper with money, then again a large amount of the relations with other countries¹⁴ is not based on a strict exchange of this much gold. A large amount of it is based on trust in the particular regime. So that a king that maintains the value of his currency through this trust has power, not only over the citizens, but over his relations with other countries. For example, the silver scare in France In a paper economy with just a partial backing this would be changed. Another element would come in. The relation with foreign countries would depend upon the trust of other regimes.

LS: What are you aiming at in your argument?

Same Student: Essentially the fact that Montesquieu doesn't seem to want to consider the possibility of returning to the state, the individual state, this power.

Mr. Mueller: We know very well that it has the power. Money is as good as gold and silver so long as it is good. And you don't have to have absolute convertibility of paper and money. I think that suggestion of an ideal, of a pure abstraction, not the clipped or

debased coins, is an interesting one. I looked¹⁵ [in] the OED to find out what the *macoute* was. It appears that it was originally cloth. According to the OED this may have been a misapprehension on Montesquieu's point, that it was a purely abstract entity. John Stuart Mill and other economists took it up in the nineteenth century evidently, and there's no reference further in the OED, apparently as an adumbration of a system of currency which would have no other base than this totality of things and commodities, which Montesquieu discussed just in the chapter before. I think there's a relation between that little algebraic consideration and this abstract money, the *macoute*, which was originally cloth, of course.

LS: Now let us see the next chapter which contains also an important political point, 15.

Mr. Reinken: “‘The Practice of some Countries in Italy.’

“They have made laws in some part of Italy to prevent subjects from selling their lands, in order to remove their specie into foreign countries. These laws may be good, when the riches of a state are so connected with the country itself that there would be great difficulty in transferring them to another. But since, by the course of exchange, riches are in some degree independent of any particular state, and since they may with so much ease be conveyed from one country to another, that must be a bad law which will not permit persons for their own interest to dispose of their lands, while they can dispose of their money. It is a bad law, because it gives an advantage to movable effects, in prejudice to the land; because it deters strangers from settling in the country and, in short, because it may be eluded.”^{xi}

LS: Now this is, I think,¹⁶ a correct point. Free disposition of the landed property is required. And that means any relics of feudalism which are left must be disposed of. And that of course was the consequence of the French Revolution. Now let us see, chapter 19. This has, as you will see immediately, great theological implications. Yes.

Mr. Reinken: “Specie is the sign of value. It is evident that he who has occasion for this sign ought to pay for the use of it as well as for everything else that he has occasion for.”

LS: The French word is “need.”

Mr. Reinken: “All the difference is, that other things may be either hired or bought; whilst money, which is the price of things, can only be hired and not bought.

“To lend money without interest is certainly an action laudable and extremely good; but it is obvious that it is only a counsel of religion, and not a civil law.”

LS: In other words, an ecclesiastical judgment on the badness of loaning at interest¹⁷ cannot possibly be accepted as a law in society, i.e., the right kind of society, that is understood here. Now Montesquieu was passionately attacked in his lifetime when the

^{xi} *Spirit of Laws*, vol. I, bk. XXII, ch. 15, 393.

book appeared on this point as well. The Jansenist journal, *Nouvelles Ecclésiastiques*, accused him that he contradicts the doctrine of the Church. This was one of the many daring acts committed by this extremely cautious man. Let us read the second to the last paragraph.

Mr. Reinken: “The laws of Mahomet confound usury with lending upon interest. Usury increases in Mahomedan countries in proportion to the severity of the prohibition. The lender indemnifies himself for the danger he undergoes of suffering the penalty.”^{xii}

LS: In other words, that must be indirectly applied also to Christianity obviously as long as it forbade loaning at interest. That is clear. The next chapter has also such an anti-ecclesiastical implication.

Mr. Reinken: “‘Of Maritime Usury.’

“The greatness of maritime usury is founded on two things: the danger of the sea, which makes it proper that those who expose their specie should not do it without considerable advantage, and the ease with which the borrower, by means of commerce, speedily accomplishes a variety of great affairs. But usury, with respect to landmen, not being founded on either of these two reasons, is either prohibited by the legislators, or, what is more rational, reduced to proper bounds.”^{xiii}

LS: Now this has also this implication, because that was also regarded as sinful action at the time. Now in the next chapter.

Student: Wasn't maritime usury in a special category though, almost tolerated?

LS: Well apparently not quite. The contemporary people, I do not know whether it was only the Jansenists

Mr. Reinken: The Church news accused Montesquieu of having said in chapter 20 that maritime usury was just. In his defense he explains that he only said that the greatness of maritime usury is less repugnant to natural equity than that of landly usury. The critique does not take account of the terms more and less.

LS: So, in other words, Montesquieu offended. Now you see,¹⁸ the whole theme [is] commerce; then the next theme is propagation of the human species, i.e., marriage; and¹⁹ the last one [is] religion—these are the three points where Montesquieu came most into conflict with the ecclesiastical authority.²⁰ The conflict was also there regarding the climate. But apparently there he could manage it better.²¹ The importance of the heretical, or unorthodox, implication of his teaching regarding climate comes out in the open fully only in the books on religion where he makes it quite clear that there are climatic limitations to the expansion of Christianity, which was regarded as unbearable because²²

^{xii} *Spirit of Laws*, vol. I, bk. XXII, ch. 19, 396.

^{xiii} *Spirit of Laws*, vol. I, bk. XXII, ch. 20, 397.

[it contradicted] the supernatural character of Christianity. Now he turns then in the next chapter to the practice of the Romans, i.e.,²³ the pagan Romans. Let us read this chapter.

Mr. Reinken: “‘Of Lending by Contract and the State of Usury among the Romans.’

“Besides the loans made for the advantage of commerce, there is still a kind of lending by a civil contract, whence results interest or usury.

“As the people of Rome increased every day in power, the magistrates sought to insinuate themselves in their favor by enacting such laws as were most agreeable to them. They retrenched capitals; they first lowered, and at length prohibited, interest; they took away the power of confining the debtor’s person; in fine, the abolition of debts was contended for whenever a tribune was disposed to render himself popular.^{xiv}

“These continual changes, whether made by the laws or made by the plebiscita, naturalized usury at Rome; for the creditors, seeing the people their debtor, their legislator, and their judge, had no longer any confidence in their agreements: the people, like a debtor who has lost his credit, could only tempt them to lend by allowing an exorbitant interest, especially as the laws applied a remedy to the evil only from time to time, while the complaints of the people were continual, and constantly intimidated the creditors. This was the cause that all honest means of borrowing and lending were abolished at Rome, and that the most monstrous usury established itself in that city, notwithstanding the strict prohibition and severity of the law. This evil was a consequence of the severity of the laws against usury. Laws excessively good are the source of excessive evil. The borrower found himself under the necessity of paying for the interest of the money, and for the danger the creditor underwent of suffering the penalty of the law.”^{xv}

LS: By speaking of ancient Rome he means more than ancient Rome. Following a kind of policy that Machiavelli had used in his *Discourses*, he sees some prefiguration of Christianity in ancient Rome already. The popular character of taking the side of the debtors—the philanthropy, charity of Christianity—and forbidding for this reason loaning at interest—that somehow belongs together. And this great kindness leading to great damage²⁴ [and] harm—that is a thought that goes through the work of Machiavelli, more or less hidden, but²⁵ [comes] to the surface often enough. And the same is true of Montesquieu. We have to discuss a few passages regarding Rome, but I would like you first—this will help us perhaps for the understanding of everything we have read and will read—²⁶ [to] turn to Book XXV, chapter 12, “On Penal Laws.” Now this is a very broad theme, because there are penal laws regarding every subject which is being discussed. We only have to read the second and third paragraphs for the time being.

^{xiv} In original: “They retrenched capitals; they first lowered, and at length prohibited, interest; they took away the power of confining the debtor’s body; in fine, the abolition of debts was contended for whenever a tribune was disposed to render himself popular.”

^{xv} *Spirit of Laws*, vol. I, bk. XXII, ch. 21, 397-98.

Mr. Reinken: “The threatenings of religion are so terrible, and its promises so great, that when they actuate the mind, whatever efforts the magistrate may use to oblige us to renounce it, he seems to leave us nothing; when he deprives us of the exercise of our religion, and to bereave us of nothing when we are allowed to profess it.

“It is not, therefore, by filling the soul with the idea of this great object, by hastening her approach to that critical moment in which it ought to be of the highest importance, that religion can be most successfully attacked—”

LS: “that one succeeds in detaching people from religion,” a more literal translation.

Student: I.e., offering the crown of martyrdom.

LS: Yes, but let us first finish that.

Mr. Reinken: “—a more certain way is, to—”

LS: No,²⁷ “it is more certain to attack a religion by the favor”

Mr. Reinken: “—by favors, by the conveniences of life, by hopes of fortune; not by that which revives, but by that which extinguishes the sense of her duty—”

LS: No, “not by that which alerts, but by that which makes that one forgets it.” Yes.

Mr. Reinken: “—not by that which shocks her, but by that which throws her into indifference—”

LS: “into lukewarmness”

Mr. Reinken: “—at the time when other passions actuate the mind, and those which religion inspires are hushed into silence. As a general rule, in changing a religion the invitations should be much stronger than the penalties.”^{xvi}

LS: That is an extraordinary statement. I do not know an equal of it, although it was, I believe, a kind of rule, or principle, underlying the practice of quite a few writers and statesmen: to seduce people away from religion by changing the emphasis and, what he puts here in the center, to attack religion by the commodities of life, by the commodities of *this* life²⁸ [to make] people forget their religion. This is what quite a few statesmen more or less instinctively did and people like Montesquieu did knowingly.

Chapter 12 is preceded by the chapter on change of religion, and this is truly the subject of this chapter too. As you see, [a] general rule as regards the change of religions [is that] the invitations are stronger than the punishments. The punishments that were practiced, say by Diocletian and other persecutors,²⁹ achieve nothing. But mildness [and] toleration

^{xvi} *Spirit of Laws*, vol. II, bk. XXV, ch. 12, 53.

creating indifference, and how do we get the commodities of this life, the conveniences of this life?

Student: Commerce.

LS: Commerce. So commerce as leading to peace, that's one thing; and³⁰ positive religion leading to hostility and intolerance. The progress of trade and the regress of positive religion—that was the dream of the radical enlightenment, openly stated at the end of it more or less by Kant, I think it is in *Perpetual Peace*. These two things go together. Yes.

Student: What about the intolerances of commerce?

LS:³¹ This problem arose then with the Industrial Revolution, especially in England in the nineteenth century, the whole criticism of the early capitalist system of which Marx was rather late. That started much earlier in England. You know Engels' criticism of the situation of the English working class was based on Carlyle's criticism, and so on. That came later. But this, then, led to a transformation of the enlightenment, of the bourgeois enlightenment, into what we may call the communist enlightenment. Of course any Marxist would say that the thinkers and doers of the seventeenth and eighteenth centuries³² [were] only prefatory and subject to many critical objections. But the real culmination and peak of the whole thing is what communism promises. What is your point?

Student: I was thinking of empires. But of course empires I guess then weren't associated so much with commerce.

Mr Reinken: Like the imperial preference tariffs and the theory of empires being for commercial benefit.

LS: But still, prior to the First World War an Englishman, Norman Angell^{xvii}, wrote a book, what was the title?

Mr Reinken: *The Great Illusion*.

LS: Yes, he proved that a war is no longer possible, because there will be a bankruptcy on the first day of the war. Well in a way he was right, but not in the way in which he thought.³³ That is the trouble, that in between we may get all kinds of things. Maybe commerce will become liberal, but what will happen in the meantime before it becomes liberal? That is always the difficulty with this kind of thing. You wanted to say something?

^{xvii} Sir Ralph Norman Angell (1872-1967), English journalist, author, and Member of Parliament for the Labour Party.

Student: Concerning the point he was making, certainly there was a good deal of conflict among nations, still a lot of commercial competition, especially between the English and the Dutch.

LS: Well sure, you remember perhaps one of the first papers of the *Federalist Papers* where Hamilton takes issue with this simple belief shared by such great men like Kant, that commerce and republicanism coming with that, not in the present day sense³⁴ [of] the term but in the older sense³⁵, will make the whole world peaceful. And Hamilton with his common sense simply says: I look at the history books, whether republics were always peaceful. So, there were people who doubted that at all times. But somehow what gives modern times its character is not the common sense which we find always, also in modern times, but this peculiar kind of wishful thinking, however you call it. And of this Montesquieu is one of [the] most charming representatives because he has also so much common sense, as we know.

Now there are a few passages regarding Rome.³⁶ The main point³⁷ is that when we come to commerce, this important civilizing ingredient, the Romans do not cut such a good figure as they do in other respects. Is this not the main point you [made]?

Student: I didn't state that very clearly

LS:³⁸ The last paragraph of the Book XXII is perhaps sufficient for our purposes.

Mr. Reinken: "He pays least, says Ulpian, who pays latest. This decides the question whether interest be lawful; that is, whether the creditor can sell time, and the debtor buy it."^{xviii}

LS: It is in the final version different: "He pays less, says Ulpian, who pays later. It is this principle which guided the legislators after the destruction of the Roman republic." I.e., the Roman republic, which Montesquieu admired more than the Roman empire proper, was not reasonable on this crucial point. Under the imperial regime and the fundamentally despotic regime, there only were the Romans tolerably rational. That's the way in which I understand it.

Student: Does he mean naturally lawful when he says "lawful?"

LS: Where does he speak of law?

Mr. Reinken: "This decides the question whether interest be lawful."

LS: Now let me see what the first reading is. I don't have it here.

Student: That earlier reading may be given in the note.

^{xviii} *Spirit of Laws*, vol. I, p. bk. XXII, ch. 22, 402.

LS: I'm sure.

Mr. Reinken: Page 401. "whether interest be legitimate."

LS: *Légitime*, yes, legitimate.³⁹ It must be a question of natural right because it is to guide the legislator; hence, it cannot be positive law. That's out of the question. It must be principles of natural equity, as he says on another occasion. He speaks very emphatically of the enormous interest rates paid during the Roman republic. So the praise of Rome which we have read more than once—you know, our small souls of modern men compared with that of the ancients, you remember the passage, they talked of virtue and we talk of trade and finance—this has to be qualified considerably on the basis of the late happenings in this book. Yes.

Mr. Reinken: There was a beautiful paragraph to that effect in XXI, 14, page 358.

LS: Oh yes, I remember that, at the end you mean?

Mr. Reinken: Yes.

LS: Read it.

Mr. Reinken: "I am not ignorant that men prepossessed with these two ideas, that commerce is of the greatest service to a state—"

LS: "is a thing most useful to a state"

Mr. Reinken: "—is the thing most useful, and that the Romans had the best-regulated government in the world, have believed that these people greatly honored and encouraged commerce; but the truth is, they seldom troubled their heads about it."^{xix}

LS: Yes, that is a beautiful statement, a case of a general truth, eating the cake and having it. I remember I met some people who said they were Aristotelians period, and yet Aristotle is known not to have been a democrat, and he even came out in favor of slavery. Hence, this individual interpreted Aristotle so as to read as a man who rejects slavery and⁴⁰ [is] a full-fledged democrat. It's charming again because this failing [is] so common, like that of eating the cake and having it—[it] is, I think, always touching. But it is a failing nevertheless. That is the point. So that is clear, if we want trade—and we must want trade if we want to have⁴¹ moderate and strong government in modern times—then we must deviate from the Romans, and must accept certain principles of the Roman law developed after the collapse of the Roman Empire —by the imperial lawyers. That is clear.

So the first word of the next Book is "Venus," and then we come to something less, how shall I say it, less prosaic than—

^{xix} *Spirit of Laws*, vol. I, bk. XXI, ch. 14, p. 358.

Student: The thing which bothers me is that if we accept this, that commerce makes a nation moderate,⁴² peaceful, and prosperous, and he has in mind England. But England is an island and less vulnerable to invasion. Could it be that a nation, by engaging in commerce, would⁴³ open itself to invasion by other more warlike, stronger people who are not debilitated by commerce.

LS: But the expectation was that these trading nations—say commercial and industrial nations—will be so overwhelmingly stronger than the non-trading and non-commercial nations which by the way proved to be correct up to a certain time. The West controlled the whole globe throughout the nineteenth century. Don't ever forget that, and even part of the twentieth century. That's already ancient history for the younger people, but I still remember that time very vividly. And so it seemed to be true. And you know today that is such a strange thing⁴⁴—you only have to see what is happening in Vietnam, that relatively a very undeveloped country and a part of it, indeed supplied with weapons from industrial countries, but still the fighting is being done by these native peoples and it's very hard to defeat them. But in the nineteenth century there was no such experience. If there were some revolts in a colony, they could be put down very easily at that time. Things have changed.

But from Montesquieu's point of view that seemed quite plausible, that if France would become more liberal—his expectations were probably very qualified, meaning not exactly like England but a stronger⁴⁵ [and] greater power to the nobility, and especially great power of the parliaments, of the judiciary, and a sensible economic policy—⁴⁶[then] there would be a time of great prosperity, much greater prosperity than ever existed before. And the prosperity business in the simple terms of general national product is of course true up to the present day. Only the question is whether all the benefits which were supposed to go with it do in fact go with it. That is a great problem. In other words, we have been sold a bill of goods, not by Montesquieu but starting in the seventeenth century, which to begin with seemed absolutely plausible. Improve the lot of men on earth, and quite a few problems, the most important practical problems, will disappear—that was the promise of men like Bacon and Descartes in the first place, and developed in more detail, for example, by people like Montesquieu.

Student: It improved the material life, but that doesn't imply a causation in the moral sphere?

LS: But if you believe, as they apparently did, that people are unjust, for example, mostly because they are in need—too poor, you hear that today also—⁴⁷[then] give them sufficient wealth, or at least increase wealth, and you decrease the temptations to injustice. There is a comedy by Aristophanes, *Plutos*, the Greek word for wealth, here the God Plutos. He comes to rule by some manipulations. And every just man becomes wealthy;⁴⁸ the unjust of course become poor. But from this moment on there are no longer any unjust people, because if your justice is so clearly and quickly rewarded, then only a great fool would be a criminal. And things are wonderful. In a comedy you can do that. Everyone is wealthy and just.

Student: In appearance.

LS: At least the actions. There is no need to steal anything if the mere wish gives you the thing you would like to have.⁴⁹ The philosophers of the modern times meant it much more gravely and seriously of course. And such people like Bacon somehow took for granted that the enterprise would remain under the control of the philosophers, i.e., of men who are by definition public-spirited. But the philosophers have been replaced by the scientists. I don't say that scientists are not public-spirited, but they are by definition today unable to pass any value judgments. They cannot even say that this enterprise as a whole is good. They can only say that it is desired by large masses of men. That doesn't make it good. That is, if we think only of the inner sanctum of academic life today, then you see what has happened, that a great . . . of the project has taken place and today [is] visible even in the market place and in daily papers.

¹ Deleted "Good. Now."

² Deleted "for this."

³ Deleted "has."

⁴ Deleted "be, the governing men should."

⁵ Deleted "who."

⁶ Deleted ", no."

⁷ Deleted "through."

⁸ Deleted "Good.."

⁹ Deleted "Good.."

¹⁰ Deleted "which."

¹¹ Deleted "not."

¹² Deleted "that you cannot have it."

¹³ Deleted "I mean."

¹⁴ Deleted "it."

¹⁵ Deleted "up."

¹⁶ Deleted "of course."

¹⁷ Deleted "and."

¹⁸ Deleted "if we take."

¹⁹ Deleted "then."

²⁰ Deleted “Of course.”

²¹ Deleted “And it comes out.”

²² Deleted “in contradiction to.”

²³ Deleted “of.”

²⁴ Deleted “great.”

²⁵ Deleted “coming.”

²⁶ Deleted “if we.”

²⁷ Deleted “no.”

²⁸ Deleted “of course, and making.”

²⁹ Deleted “these.”

³⁰ Deleted “religion.”

³¹ Deleted “Well.”

³² Deleted “that this was.”

³³ Deleted “You know.”

³⁴ Deleted “or.”

³⁵ Deleted “that this.”

³⁶ Deleted “Well.”

³⁷ Deleted “of course.”

³⁸ Deleted “Now let us see, what is that. Now.”

³⁹ Deleted “Well.”

⁴⁰ Deleted “was.”

⁴¹ Deleted “moderate governments.”

⁴² Deleted “and.”

⁴³ Deleted “become.”

⁴⁴ Deleted “that ...”

⁴⁵ Deleted “a.”

⁴⁶ Deleted this would do, that.”

⁴⁷ Deleted “well.”

⁴⁸ Deleted “Every just man, and.”

⁴⁹ Deleted “Well.”

Session 4: April 6, 1966

[In progress] **Leo Strauss:** I would only like to mention this point. You said the key assumption of Montesquieu in this book is that population growth is as such good. An even stronger statement of that view we would find in Rousseau's *Social Contract*, when he raises the question what is the simplest criterion for judging whether society is in a good or bad state¹: the growth of population. I don't believe that Rousseau refers in any way to statistics, but his observation regarding the French countryside and the very harsh life which the peasants [had], exposed to the relics of feudal laws and severe taxation². Whether that would be born out by accurate counting is another matter.³ France had about 25 million at the time of the French revolution and she never had such a figure before. But since that time it has been rising to about 40, and then there was this stagnation, or even slight decline, in the early twentieth century. And only after the Second World War was there again a rise. That's roughly the situation?

Student: Right. Well there also had been apparently a sharp decline in the population toward the close of the reign of Louis XIV. And apparently a great many people were conscious of that long after the trend had reversed itself.

LS: This had nothing to do with the wars?

Same Student: Well it did have to do with his wars to an extent.

LS: Yes?

Another Student: The Huguenots too.

LS: How many were expelled?

Same Student: Sometimes you see figures of half a million, but I've seen more [like] 50 thousand families.

LS: Which would be more like 250,000 people, I suppose. Now as we see at once this book is the only one which opens with a poem, a poem in verse, in contradistinction with the prose poem with which Book XX, the book on commerce, opens. But the prose poem is Montesquieu's own. And here he quotes⁴ the beginning of Lucretius' poem in a very free French translation. The first word is surely here "Venus." *O Vénus, mère de l'amour*.⁵ [It] is not an entire accident that Lucretius' poem begins this way, but Lucretius is not the first poet whom you would think [of] as a man praising love. Because a much larger part of his work than this beginning—the whole latter part of Book IV—is devoted to an attack on love. So there were many poets, Roman poets, who were much more famous for their positive concern with it. Lucretius was much more famous throughout the world for another reason. Namely?

Student: An attack on the gods.

LS: An attack on religion, not on gods, but an attack on religion. And that is really much more characteristic, and Montesquieu was surely aware of that. But still let us see how this develops. For the time being we may leave it at the following proportion: love to poetry equal to commerce to prose—which makes sense, doesn't it? And this is surely a thought which he had in mind. Now let us first read the prosaic part of chapter 1.

Mr. Reinken: “The females of brutes have an almost constant fecundity. But in the human species—”

LS: So you can't translate “brutes.” You have to say “animals.” Because otherwise the human species wouldn't—I believe so at least. Good. At any rate the main point—

Mr. Reinken: “But in the human species, the manner of thinking, the character, the passions, the humor, the caprice, the idea of preserving beauty, the pain of child-bearing, and the fatigue of a too numerous family, obstruct propagation in a thousand different ways.”ⁱ

LS: So, that's one of the few passages where he reflects on the difference between man and brute. And now here while the sexual desire, or urge, is common to all animals, in the case of man thinking, passions, calculations affect propagation. The passions mean of course the great vanity, you know, of the females, as Montesquieu sees them, a desire from which the animals are perfectly free, as you see every day when you observe how the most beautiful dogs mate with the most ugly ones without any feeling of, any *mésalliance*. So this is a key point. The main point is⁶ the fact that man⁷ [as] a rational animal is a danger to his propagation. There is no such danger in the case of any other animals. Good. And now we turn to chapter 2;⁸ read the first paragraph.

Mr. Reinken: “The natural obligation of the father to provide for his children has established marriage, which makes known the person who ought to fulfill this obligation. The people mentioned by Pomponius Mela had no other way of discovering him but by resemblance.”ⁱⁱ

LS: Yes, and not as according to Roman law, the father is he whom marriage demonstrates, points to.⁹ So we have here a natural obligation of the father to bring up his children. There was no reference to that in *the* chapter on natural right, Book II, chapter 2. So he seems to extend this sphere of natural law beyond what he has done before. Nevertheless, Montesquieu's statement, which seems to be more traditional than one would expect, is not simply traditional. The editor here points out that it was criticized because he didn't mention specifically the Christian view of the institution of marriage. In other words, the propagation [and bringing up] of children is not the primary purpose¹⁰, according to the Christian view. Otherwise if the *raison d'être* of marriage is the bringing up of children, then a childless marriage couldn't be a marriage, or it would

ⁱ *Spirit of Laws*, vol. II, bk. XXIII, ch. 1, 1.

ⁱⁱ *Spirit of Laws*, vol. II, bk. XXIII, ch. 2, 2.

be ipso facto dissolved. That is surely not the Christian view. But that would be implied in Montesquieu's view. And therefore, for example, civil laws which make divorce obligatory in case of childlessness would be according to natural law, according to Montesquieu. Now let us turn to the next two paragraphs.

Mr. Reinken: "Among civilized nations, the father is that person on whom the laws, by the ceremony of marriage, have fixed this duty, because they find in him the man they want—"

LS: No,¹¹ they *seek* one who is responsible. And how do they find him? That you marry that woman. And as he said in a somewhat frivolous passage earlier, that law has a faith in the mother as if she were chastity itself. So that settles that. Next paragraph.

Mr. Reinken: "Among animals this is an obligation which the mother can generally perform; but it is much more extensive among men. Their children indeed have reason; but this comes only by low degrees. It is not sufficient to nourish them; we must also direct them. They can already live; but they cannot govern themselves."ⁱⁱⁱ

LS: So here the question is, who is the father? And this very question makes it necessary to establish marriage. And the father is of course he whom the laws declare to be father. The natural father, the actual generator, is not the father in the sense of the law. He may happen to be, and hopefully in most cases it is true, but it is not necessary at all. That we see. In the case of the animals, as he says, the obligation rests on the mother. And according to that notion of natural right which Montesquieu adopts in the second chapter of the First Book, namely the Hobbean view, it is also the case of the human race that the mother has the responsibility and the right, and it is only a kind of delegation on the part of the mother which gives right to the father. Something of this is here underlying.

As he indicates already here and states more clearly in the next paragraph, the upbringing of the children requires in the case of man, more than in the case of most animals at least, the contribution of the father. Therefore if we want to have propagation of the species, we must have something like marriage. But this does not of course mean the Christian institution of marriage. As Locke stated in his chapter on marriage in his *Civil Government*, because of the long childhood in the case of man there is required a more lasting bond between the male and the female, namely until the children are twelve or fourteen years old. He doesn't say an everlasting bond. And the same¹² would also be implied in what Montesquieu says. Let us read the next paragraph.

Mr. Reinken: "Illicit conjunctions contribute but little to the propagation of the species. The father, who is under a natural obligation to nourish and educate his children, is not then fixed; and the mother, with whom the obligation remains, finds a thousand obstacles

ⁱⁱⁱ In original: "Among brutes this is an obligation which the mother can generally perform; but it is much more extensive among men. Their children indeed have reason; but this comes only by low degrees. It is not sufficient to nourish them; we must also direct them. They can already live; but they cannot govern themselves." *Spirit of Laws*, vol. II, bk. XXIII, ch. 2, 2.

from shame, remorse, and constraint of her sex and the rigor of laws; and besides, she generally wants the means.”^{iv}

LS: Now the question¹³ [is], is this not a circular argument? Does this not presuppose the existence of marriage? Once you have marriage, then there are conjunctions which are illicit. And they are therefore frowned upon, and the mothers are regarded as bad women, and this has¹⁴ all kinds of effects on what they will do to the children. But if there is not the institution of marriage in the first place, then the consequence would not necessarily follow. He concludes this chapter with the remark, “From all this it follows that public continence is by nature joined to the propagation of the species.” Nature itself, in other words, demands public continence, i.e., families and sexual intercourse only on the basis of marriage.

Now he says “public continence.” What does public continence mean? This is a somewhat ambiguous expression. Does it mean general continence, or does it mean continence in public, which is something very different? In other words, a kind of decency which does not necessarily mean that there cannot be quite a bit of adultery and so on¹⁵. Montesquieu interestingly enough does not speak of a natural motivation for marriage, namely of the desire of men to have children of their own and to have the greatest security which can be given by law, namely marriage. He fails to mention this. Now let us turn to the last paragraph of chapter 4.

Mr. Reinken: “Names, whereby men acquire an idea of a thing which one would imagine ought not to perish, are extremely proper to inspire every family with a desire of extending its duration. There are people among whom names distinguish families; there are others where they only distinguish persons; the latter have not the same advantage as the former.”^v

LS: Now here he alludes in his way to men’s desire to the perpetuity of their own, which is of course more recognized when you have family names than when you have only proper names. By the way, what is the most famous statement regarding the importance of the desire of having offspring of their own as a fundamental fact of human nature? In Plato’s *Banquet*, where eros in its lowest but most general form is exactly the desire to immortalize oneself through offspring, and offspring of offspring, and so on. Good. Yes.

Mr. Bruell: In respect to the natural law aspect of this, it’s also made very clear that the natural law is not naturally effective. I mean I think that goes without saying here, that this is a natural law which is as a matter of course broken, the obligation of the father towards the children.

LS: Yes, in other words, if you understand by natural law a law which has natural sanctions. That is a question, but according to what he seems to say at the end of chapter 2, for example, there are such sanctions, not necessarily on the individual, but on his society. If marriage is not respected—¹⁶ it is left here wholly undecided whether that is

^{iv} *Spirit of Laws*, vol. II, bk. XXIII, ch. 2, 2.

^v *Spirit of Laws*, vol. II, bk. XXIII, ch. 4, 3.

monogamous or polygamous marriage—¹⁷ there will be a decay of the society as a whole, and this is a natural consequence, if you mean that as a natural sanction. The case of self-preservation is different. Here there is a sanction in the urge of the individual to preserve himself. But of course if there is a desire about which he is probably consciously silent, namely the urge of man to propagate himself in his children, then there would also be that sanction implied in the urge.

Mr. Bruell: Why would he be silent, intentionally?

LS: The reason would be that he does not regard this as an institution *de droit naturel*, of natural right, in the same way as self-preservation or food is a natural right. When he spoke of that in chapter 2 of the first book, he mentioned only the desire, sexual desire, not the relation to offspring. This is of some help for understanding it. Now let us turn to chapter 5.

Mr. Reinken: You brought up this business of the desire to have children; in chapter 7 are you going to take up the desire to have grandchildren?

LS: Well let us come to that. Chapter 5, the first two paragraphs:

Mr. Reinken: “Laws and religion sometimes establish many kinds of civil conjunctions; and this is the case among the Mahommedans, where there are several orders of wives, the children of whom are distinguished by being born in the house, by civil contracts, or even by the slavery of the mother, and the subsequent acknowledgment of the father.

“It would be contrary to reason that the law should stigmatize the children for what it approved in the father. All these children ought, therefore, to succeed, at least if some particular reason does not oppose it, as in Japan, where none inherit but the children of the wife given by the Emperor. Their policy demands that the gifts of the emperor should not be too much divided, because they subject them to a kind of service, like that of our ancient fiefs.”^{vi}

LS: Yes, now let us consider this: “It would be against reason that the law punish the children for what it has approved in the father.” He appeals here to what one may call the immanent logic of the law. Once you have made this and this provision, you cannot contradict the principle which you have used by denying that principle in another case. There is one key implication however:¹⁸ political considerations may prevent legitimately the application, as in the case of Japan, or in any feudal order there would be a different order of succession than the one which would be implied by the institution of marriage as such. Yes, now let us see. We turn to the next chapter, the first paragraph.

Mr. Reinken: “They have therefore no such thing as bastards where polygamy is permitted; this disgrace is known only in countries in which a man is allowed to marry but one wife. Here they were obliged to stamp a mark of infamy upon concubinage, and

^{vi} *Spirit of Laws*, vol. II, bk. XXIII, ch. 5, 3.

consequently they were under a necessity of stigmatizing the issue of such unlawful conjunctions.”^{vii}

LS: Yes, that can be turned both ways. Is it not an injustice to the poor children, which is a necessary consequence of monogamy, and the bastardization of children who do not stem from *the* wife. He said earlier in private notes, “As soon as the plurality of women is forbidden and divorce with the one wife is also forbidden, one must necessarily forbid concubinage; for who would have wished to marry under these conditions,”^{viii} namely if concubinage were permitted? In the next paragraph he states absolutely that republics are necessarily monogamic, and that purity of manners requires monogamy. That is the point. Now we must not forget that we have seen that Montesquieu does not simply take his bearings from the purity of manners. Therefore we must see whether anything follows from that. Will you read the third paragraph of chapter 6, please?

Mr. Reinken: “The laws made against them at Rome were perhaps too severe; but as the ancient institutions laid all the citizens under a necessity of marrying, and as marriages were also softened by the permission to repudiate or make a divorce, nothing but an extreme corruption of manners could lead them to concubinage.”

LS: In other words, the ancient Roman morals, i.e., the pagan morals, [compelled] everyone¹⁹ to marry—yes, but this was made bearable by the institution of divorce. And that of course foreshadows the criticism of Christianity later on. He never attacks the indissolubility of marriage explicitly, but this is implied here. Now in the next paragraph there is a brief remark we should consider.

Mr. Reinken: “It is observable that as the quality of a citizen was a very considerable thing in a democratic government, where it carried with it the sovereign power, they frequently made laws in respect to the state of bastards, which had less relation to the thing itself and to the honesty of marriage than to the particular constitution of the republic.”^{ix}

LS: In other words, there was a political reason in the ancient democracies for denying citizen rights to bastards. It was not simply a concern with continence, but it was a concern with the democracy as such that the rights be restricted to a part of the population. Now the first paragraph of chapter 7:

Mr. Reinken: “The consent of fathers is founded on their authority; that is, on the right of property. It is also founded on their love, on their reason, and on the uncertainty of that of their children, whom youth confines in a state of ignorance and passion in a state of ebriety.”

LS: You see he does not say here that reason dictates the requirement of the consent of the father, for after all the father may be very unreasonable, he may not love his children,

^{vii} *Spirit of Laws*, vol. II, bk. XXIII, ch. 6, 4.

^{viii} Montesquieu. Source unknown. Appears to be Strauss’s own translation.

^{ix} *Spirit of Laws*, vol. II, bk. XXIII, ch. 6, 4.

or he may hate the family of the prospective bride. He states the reasons as facts, not as sufficient reasons. Now in the next paragraph he presents the father's consent to marriage as a right given to the father by nature. This is an important example²⁰ [of] what he sometimes means when he speaks about natural law. Is it meant to be an institute of natural law strictly speaking, or only a kind of rule of thumb, plausible in the majority of cases and therefore superior to a merely positive law, like right driving or left driving, but yet not natural law strictly speaking. This we must keep in mind. Let us read the third paragraph of this chapter.

Mr. Reinken: "But in common institutions, fathers have the disposal of their children in marriage. Their prudence in this respect is always supposed to be superior to that of a stranger. Nature—"

LS: He doesn't say "supposed": "will always be superior to everything else." Their prudence one can very well question, but one can presume that other things being equal the parents have a greater concern than any strangers. Yes. And then he says, "Nature gives—"

Mr. Reinken: "Nature gives to fathers a desire of procuring successors to their children, which they hardly feel for themselves."^x

LS: What does this strange sentence mean?

Mr. Reinken:²¹ I take it, the way I put it, that they want grandchildren, but don't particularly care for children, and I think it can be seen in the sopiness of grandparents.

LS: Yes, I mean it is a strange sentence. What is behind that thought is not obvious to me. Would he perhaps say that what brings the parents together is not primarily the desire for children, but sexual desire; but when they are old and the sexual desire has decayed, then the desire for grandchildren takes the place of the primary sexual desire? This is possible, but one can by no means be certain that this is what he means. One thing is clear: Montesquieu does not consider seriously, and probably abhors, the perfect freedom of the children to marry whomever they like. That is altogether unreasonable from the point of view of hard common sense and has nothing to do with natural law in itself. This brings us to the next chapter which we may read.

Mr. Reinken: "In England the law is frequently abused by the daughters marrying according to their own fancy without consulting their parents. This custom is, I am apt to imagine, more tolerated there than anywhere else from a consideration that as the laws have not established a monastic celibacy, the daughters have no other state to choose but that of marriage, and this they cannot refuse. In France, on the contrary, young women have always the resource of celibacy; and therefore the law which ordains that they shall wait for the consent of their fathers may be more agreeable. In this light the custom of Italy and Spain must be less rational—"

^x In original: "Nature gives to fathers a desire of procuring successors to their children, when they have almost lost the desire of enjoyment themselves." *Spirit of Laws*, vol. II, bk. XXIII, ch. 7, 5.

LS: “is the least reasonable.”

Mr. Reinken: “—is the least reasonable; convents are there established, and yet they may marry without the consent of their fathers.”^{xi}

LS: Yes, what does he mean by that? The alleged natural right of the father can be safely disregarded in England, for the main point is that the girls marry, i.e., do not become spinsters or nuns. Is this the point which he makes?

Mr. Reinken: No, I think he’s putting it the other way. It’s very hard on the girl since she has to marry—she has to take what papa chooses in England. But in France, and in the Catholic countries generally, she has a recourse. She doesn’t have to marry anyone she doesn’t like. She can always go in the convent.

LS: I see, and therefore to the extent to which he does not approve of celibacy, he would therefore accept the English. In other words, the main point is that they marry. And it is more important [than] that they marry the wrong guy, the wrong guy from the point of view of the father. Is that it?

Student: I think he’s still very interested in upholding the father’s authority here. He wouldn’t be that inclined to go along with the English. He would only say that one can sort of excuse the situation.

LS: Yes, that was my impression in general.

Student:²² I’m not positive on this subject, [but] my impression is that the last three countries named are of course Catholic countries, and civil law is the critical fact because I am under the impression that canon law does not require, and did not certainly in that period require, the consent of the father. And that this is in a way another disguised approach to this: the French civil law is therefore different than the canon law, whereas the Italian and Spanish civil law²³ [are] in conformity with it.

LS: I see. I am not aware of that. But let us read the next paragraph which makes it quite clear what he regards as a key problem, which was alluded to in the very first chapter of this book: that there are peculiar hindrances to the propagation of the species in the human race. Now where is this hindrance located? Chiefly in the male sex, he will say. Now let us read the next paragraph.

Mr. Reinken: “Young women who are conducted by marriage alone to liberty and pleasure, who have a mind which dares not think, a heart which dares not feel, eyes which dare not see, ears which dare not hear, who appear only to show themselves silly,

^{xi} *Spirit of Laws*, vol. II, bk. XXIII, ch. 8, 6.

condemned without intermission to trifles and precepts, have sufficient inducements to lead them on to marriage: it is the young men that want to be encouraged.”^{xii}

LS: In other words, this situation of women in such a society, and this is of course not merely in the eighteenth century. In Xenophon’s *Oeconomicus* there is a discussion of marriage. A man explains to Socrates²⁴ in what condition his wife was when he met her. He told him that he asked her, do you know why we got married? And he meant that they were supposed to have children. And then she says, people say so. She is wholly innocent and . . . hasn’t heard or seen anything. The subtle question underlying this dialogue is whether she was later on, say ten years later, as good a wife as she was a good girl. And that is a difficult question in this dialogue. This point which he makes here in chapter 9: girls are sufficiently driven to marriage. In the next chapter in the first paragraph he says:

Mr. Reinken: “Wherever a place is found in which two persons can live commodiously, there they enter into marriage. Nature has a sufficient propensity to it.”^{xiii}

LS: The same expression, nature drives to it sufficiently—in other words, that nature does not drive unqualifiedly to marriage. That needs more. That needs the institution of marriage. But once you have that then the natural drive is sufficient for that purpose. He develops then that oppression—political and economic oppression—is bad for the propagation of the species. In chapter 15 he speaks of the unequal distribution of land, which leads to depopulation unless one cultivates the arts, the handicrafts. The danger of technological unemployment, as far as population is concerned, is also discussed here. Yes.

Mr. Reinken: Doesn’t this leave Montesquieu somehow in between a pre-capitalist view and a full-fledged capitalism?

LS: Oh yes, sure, there are many qualifications.

Mr. Reinken: I was wondering whether you saw some cleavage to define this middle type.

LS: As little as he was in favor of democracy, liberal democracy as it developed in the nineteenth century with no property qualification whatever, as little was he in favor of unqualified capitalism. We had some instances of that. That is clear. The amazing thing is²⁵ the points where he prepares and, as it were, lays the foundation for what later on became so powerful; and I think one of the most striking facts is the passage to which I referred more than once and which we read in class about progress, that it can never happen again. We have now reached a level and there is no possibility of falling below it. Whereas in former times, even those who believed in the possibility of progress and believed that great progress had been achieved, they took it for granted that a new barbarism, a new decay, may come in. You know this was a novel thing I believe. And I wonder whether one will find it earlier than in Montesquieu, which was so powerful up

^{xii} *Spirit of Laws*, vol. II, bk. XXIII, ch. 9, 6.

^{xiii} *Spirit of Laws*, vol. II, bk. XXIII, ch. 10, 6.

into our age, that there cannot be a decay to barbarism. For example, a man so famous for his freedom from delusions of progress, Georges Sorel,^{xiv} the French writer,²⁶ took it for granted that Europe will always remain Europe and will never go down. Whereas, today we are open to the possibility that she may go down, to put it mildly.

Mr. Reinken: It may not admit of an answer at this point, but we find him part way between mercantilism and Manchester free trade. Now is he part way simply because he hasn't followed through all the conclusions—that he is still transitional—or is there something characteristic about his position, that it is in its principles something that stands between mercantilism and Manchester free trade?

LS: Well, what do you think, Mr. Mueller?

Mr. Mueller: Well, simply I think²⁷ that there was [at] this time no manufacturer for a mass market, the beginnings of it in cloth evidently, especially for the Church, standardized production—but that's not really a mass market. It was not yet evident how much—now a shirt doesn't cost much²⁸—machine production could lower the price even of that cheap object, how beneficent that could be supplying cheap cotton goods to the people of the world, as well as how terrible [it was] in its immediate effects on the people in the factory. That isn't much of an answer.

LS: Well why don't you look up Adam Smith's book and see whether he refers to Montesquieu, [and] whether there is any criticism of Montesquieu.

Mr. Mueller: I did, and not on this point that I recall, on questions of interest and money that I referred to.

LS: Well perhaps we will find something later. Let us now return. Now in chapter 16 he begins to discuss a very hot question, the exposure of infants.

Mr. Reinken: “‘The Concern of the Legislator in the Propagation of the Species.’

“Regulations on the number of citizens depend greatly on circumstances. There are countries in which nature does all; the legislator then has nothing to do. What need is there of inducing men by laws to propagation when a fruitful climate yields a sufficient number of inhabitants? Sometimes the climate is more favorable than the soil; the people multiply, and are destroyed by famine: this is the case of China. Hence a father sells his daughters and exposes his children. In Tonquin, the same causes produce the same effects; so we need not, like the Arabian travellers mentioned by Renaudot, search for the origin of this in their sentiments on the metempsychosis.

^{xiv} Georges Sorel (1847-1922), French philosopher and theorist of revolutionary syndicalism who inspired Marxists and fascists. Author of *The Illusions of Progress* (1908).

“For the same reason, the religion of the isle of Formosa does not suffer the women to bring their children into the world till they are thirty-five years of age: the priestess, before this age, by bruising the belly procures abortion.”^{xv}

LS: Yes, to prevent overpopulation. He states this as a fact without any criticism of it. There is no allusion that it is against natural law. In other words, the destruction of [superfluous] children may be brought about²⁹ by nature, but failing that it will be brought about by the law, otherwise there will be famine. Now he discusses the same subject in the next chapter, where he also refers to Aristotle’s well-known view on the exposure of infants. We do not have to read that. And he points out that the homosexuality in Crete at any rate was a part of their population policy. We’ll read only the last paragraph of chapter 17 because of its crucial importance.

Mr. Reinken: “Sir William Petty, in his calculations, supposes that a man in England is worth what he would sell for at Algiers. This can be true only with respect to England. There are countries where a man is worth nothing; there are others where he is worth less than nothing.”^{xvi}

LS: Apart from the witticism, that has a very grave implication. Now if there are countries in which a man is worth nothing, and less than nothing, what does the right of self-preservation, this most basic right, natural right, mean? What does it mean for the legislator? Something that he must disregard—that is, I think, absolutely grave. Yes.

Mr. Bruell: Isn’t the implication that one’s own self-preservation even may be worth nothing because of the excessive misery?

LS:³⁰ People can live under conditions of excessive misery, so great is the power of the desire to live. But the key point from the legislator’s point of view: he doesn’t do any good to the society as a whole by paying too much attention to the right of self-preservation. That is a grave implication. Yes.

Mr. Bruell: I just wondered if that consideration is in a way prepared by chapter 16 in this respect, that population is in a way nature’s realm, but nature makes such a mess of it, producing great numbers of people because of the climate in territories which can’t feed that number of people, and therefore then killing them in a sense. I mean the disorder and the harshness of nature.

LS: Yes, that is, you can say, always implied. That is an old thought. Nature [as] the stepmother is the old formula for that. And that has to do with the Lucretian-Epicurean tradition somehow more than with anything else. And this of course was restored in modern times by such men like Hobbes and Locke and it is surely also the basis here in Montesquieu, although it is generally speaking not so visible in Montesquieu as it is in Hobbes and Locke.

^{xv} *Spirit of Laws*, vol. II, bk. XXIII, ch. 16, 9-10.

^{xvi} *Spirit of Laws*, vol. II, bk. XXIII, ch. 17, 11.

Mr. Bruell: Doesn't that have some implication for natural right?

LS: Yes, well surely it has, and this was the reason why you can say the theoretical basis for the shift in natural law doctrine itself from the full ends of man to the most rudimentary end of man, self-preservation. The world is so constituted that nature is in no way favorable, so to speak, to the highest in man, to the perfection of man. On the contrary, what is thought to be the perfection—say understanding, contemplation—is defensible only as a means for the relief of man's estate. These are the consequences.

Now chapter 21, this very extensive chapter which deals with Roman laws regarding the propagation of the species. I mention only a few points. The tenth and eleventh paragraphs.

Mr. Reinken: "This decree of Augustus was properly a code of laws—"

LS: A system regarding marriage.

Mr. Reinken: "—and a systematic body of all the regulations that could be made on this subject. The Julian laws were incorporated in it—"

LS: "Julian" means those made by Julius Caesar, or under his auspices.

Mr. Reinken: "—and received greater strength. It was so extensive in its use, and had an influence on so many things, that it formed the finest part of the civil law of the Romans.

"We find parts of it dispersed in the precious fragments of Ulpian, in the Laws of the Digest, collected from authors who wrote on the Papian laws, in the historians and others who have cited them, in the Theodosian code which abolished them, and in the works of the fathers, who have censured them, without doubt from a laudable zeal for the things of the other life, but with very little knowledge of the affairs of this."^{xvii}

LS: Yes, that could have been written by Machiavelli and quite a few others as well. Now here there is the first *en passant* mention of the change brought about by Christianity, because Theodosius is of course also a Christian emperor. Now shortly before he had mentioned, again in passing, in a quotation from a speech by Augustus, the Vestal Virgins, so the Romans themselves had a certain instituted celibacy. We cannot go into that. We turn to a later passage where he speaks about the sects of philosophy.

Mr. Reinken: Page 19, paragraph 2: "The sects of philosophers had already introduced in the empire a disposition that estranged them from business—a disposition which could not gain ground in the time of the republic, when everybody was employed in the arts of war and peace. Hence arose an idea of perfection, as connected with a life of speculation—"

^{xvii} *Spirit of Laws*, vol. II, bk. XXIII, ch. 21, 14-15.

LS: Yes, “attached to everything which leads to a speculative life.”

Mr. Reinken: “—hence, an estrangement from the cares and embarrassments of a family. The Christian religion coming after this philosophy fixed, if I may make use of the expression, the ideas which that had only prepared.”

LS: Yes,³¹ he means³² the Stoics and the Epicureans in the first place, not Plato and Aristotle, a very well-known view you will find in many histories of ideas up to this time. But we see here “speculation” has³³ still the ancient meaning. And one can say Montesquieu opposes the spirit of speculation in favor of a science which is practical, the Baconian notion. That one can say. But now, what is peculiar to Christianity? Of that he speaks in the sequel.

Mr. Reinken: “Christianity stamped its character on jurisprudence; for empire has ever a connection with the priesthood. This is visible from the Theodosian code, which is only a collection of the decrees of the Christian emperors.

“A panegyrist of Constantine said to that emperor, ‘Your laws were made only to correct vice and to regulate manners: you have stripped the ancient laws of that artifice which seemed to have no other aim than to lay snares for simplicity.’

“It is certain that the alterations made by Constantine took their rise either from sentiments relating to the establishment of Christianity, or from ideas conceived of its perfection. From the first proceeded those laws which gave such authority to bishops, and which have been the foundation of the ecclesiastical jurisdiction; hence those laws which weakened paternal authority, by depriving the father of his property in the possessions of his children.”

LS: So, in other words, paternal authority is that old Roman institution which was weakened by Christianity. Therefore, Montesquieu is in favor of paternal authority. It’s as simple as that. Yes.

Mr. Reinken: “To extend a new religion, they were obliged to take away—”

LS: No, “one must take away,” a general rule, a general recipe.

Mr. Reinken: “—one must take away the dependence of children, who are always least attached to what is already established.”

LS: Yes, good, so what is the difference then between Christianity and the sects of philosophers?

Student: Well for one thing Christianity spread these ideas of only a small group throughout the whole society and fixed them in the law codes.

LS: Yes, and then the notion of sexual purity was not as pronounced among the philosophers—the sacredness of purity—as it is among Christians. And then he speaks³⁴ on the influence of Christianity on the Roman marriage laws in the immediate sequel. Let us only read a little bit later, the third paragraph from the end.

Mr. Reinken: “There is no law that contains an express abrogation of the privileges and honors which the Romans had granted to marriages, and to a number of children—”

LS: The pagan Romans.

Mr. Reinken: “But where celibacy had the pre-eminence, marriage could not be held in honor; and since they could oblige the officers of the public revenue to renounce so many advantages by the abolition of the penalties, it is easy to perceive that with yet greater ease they might put a stop to the rewards.”

LS: In other words, Christianity in contradistinction to pagan Rome is unfavorable to the propagation of the species, because it gives higher honor to those living in celibacy than to marriage as marriage. Marriage is lower, sacred but lower. That is the point.

Student: Also the point he makes here that is interesting is that the effect of the religion³⁵ is to annul the laws in fact without necessarily taking them off the books. In other words, the teaching of the religion is of such a character that the older marriage laws which have not been abrogated formally have just ceased to have any effect.

LS: Yes, that he makes explicit here. Now let us read the end of this chapter.

Mr. Reinken: “The same spiritual reason which had permitted celibacy soon imposed it even as necessary—”

LS: “which first had permitted it, made it then a necessity.”

Mr. Reinken: “God forbid that I should—”

LS: This phrase which occurs from time to time.

Mr. Reinken: “—that I should here speak against celibacy as adopted by religion—”

LS: Yes, *la religion* in French. The point is that you never can tell what he means precisely. Sometimes he may mean a pagan religion; he may mean Islam; he may mean Christianity. That you cannot say. Here³⁶ in this context he means Christianity. But that has to be established in each particular case. We will find quite striking cases in Book XXVI.

Mr. Reinken: Well, in Catholic France “*la religion*” means particularly the cloistered orders.

LS: Yes, but this is not the meaning which it has here. Religion has adopted celibacy. Christianity has adopted celibacy.

Mr. Reinken: I thought he was preparing a slam against monks and nuns.

LS: No,³⁷ that is implied, but not on the basis of the word.

Mr. Reinken: “—celibacy as adopted by religion; but who can be silent when it is built on libertinism: when the two sexes—”

LS: No, “but who can be silent against that celibacy which has been caused, formed, created by ‘libertinage.’”

Mr. Reinken: “—when the two sexes, corrupting each other even by the natural sensations themselves, fly from a union which ought to make them better, to live in that which always renders them worse?”

“It is a rule drawn from nature, that the more the number of marriages is diminished, the more corrupt are those who have entered into that state; the fewer married men, the less fidelity is there in marriage; as when there are more thieves, more thefts occur.”^{xviii}

LS: Now that is the point which he means.³⁸ Granted the sacredness of celibacy, there are surely quite a few people who live in celibacy without being able to do it. And therefore they become the natural seducers of married and unmarried women. That he has in mind. There are so many people without vocation—to use the Christian term—who live in celibacy; that is the point which he makes. So it is quite clear that Montesquieu is not enthusiastic about the institution of celibacy as such. There can be no doubt about that. He admits³⁹ that even the pagan Romans had their Vestal Virgins, but this doesn’t count for very much with him. He accepts in this respect the Protestant view. Now the first paragraph of the next chapter.

Mr. Reinken: “The Roman policy was very good in respect to the exposing of children. Romulus, says Dionysius Halicarnassus, laid the citizens under an obligation to educate all their male children, and the eldest of their daughters. If the infants were deformed and monstrous, he permitted the exposing them, after having shown them to five of their nearest neighbors.”^{xix}

LS: Now that is amazing, isn’t it, that he comes out in favor of exposure of infants.⁴⁰ However much popular opinion has changed in the last couple of hundred years regarding celibacy, we have seen some interesting cases in Europe because you extend it very easily—exposure of deformed children, destruction of deformed children, [and]

^{xviii} In original: “It is a rule drawn from nature, that the more the number of marriages is diminished, the more corrupt are those who have entered into that state; the fewer married men, the less fidelity is there in marriage; as when there are more thieves, more thefts are committed.” *Spirit of Laws*, vol. II, bk. XXIII, ch. 21, 19-21.

^{xix} *Spirit of Laws*, vol. II, bk. XXIII, ch. 22, 21.

especially of⁴¹ insane people. He had said originally “a good policy,” and he qualified it, an “*assez bonne*” policy, a “rather good” policy, by which he had a way out—you could say he was in favor of the first part and rejected the second part. It is very easy for a man as clever as Montesquieu to find his way out of such difficulties.

So in chapter 23 he summarizes this whole discussion on the Roman legislation and the changes which it underwent. Will you read that chapter?

Mr. Reinken: “The regulations made by the Romans to increase the number of their citizens had their effect while the republic in the full vigor of her constitution had nothing to repair but the losses she sustained by her courage, by her intrepidity, by her firmness, her love of glory and her virtue.^{xx} But soon the—”

LS: “and by her very virtue.”

Mr. Reinken: “—and by her very virtue. But soon the wisest laws could not re-establish what a dying republic, what a general anarchy, what a military government, what a rigid empire, what a proud despotic power, what a feeble monarchy, what a stupid, weak, and superstitious court had successively pulled down. It might, indeed, be said that they conquered the world only to weaken it, and to deliver it up defenceless to barbarians. The Gothic nations, the Getes, the Saracens and Tartars by turns harassed them; and soon the barbarians had none to destroy but barbarians. Thus, in fabulous times, after the inundations and the deluge, there arose out of the earth armed men, who exterminated one another.”^{xxi}

LS: Yes, and I think when he speaks of a stupid, idiotic, and superstitious court—more of the Christian emperors than of the pagan emperors. I believe that is safe to say, in spite of his cautious language.

Student: Isn't it also a reflection more on contemporary courts and rulers, and the rule that they're bringing to their countries?

LS: Yes. Now then in the next chapter he speaks of the large population in the Middle Ages. Now this seems to contradict what he said before about the influence of Christianity. After all, Christianity was predominant in the Middle Ages at least as much as in Montesquieu's own time. How would he defend himself against the criticism that he contradicts himself?⁴² He would say it has nothing to do with Christianity, as little as Teutonic freedom, which flourished in a way in the Middle Ages, had anything to do with Christianity, but [instead] stemmed from the forests of Germany.

^{xx} In original: “The regulations made by the Romans to increase the number of their citizens had their effect while the republic in the full vigor of her constitution had nothing to repair but the losses she sustained by her courage, by her intrepidity, by her firmness, her love of glory and of virtue.”

^{xxi} *Spirit of Laws*, vol. II, bk. XXIII, ch. 23, 22.

Student: Also he has that shift, celibacy from being permitted or a possibility to becoming a necessity. And that only occurs extensively in Europe in the late Middle Ages, that the demand for celibacy is actually enforced throughout much of Europe, especially in northern Europe. So that the effect of the Christian teaching on celibacy—

LS: Does he explicitly speak of that?

Same Student: No, he doesn't, but⁴³ he has that kind of shift.

LS: In chapter 26 at the beginning where he says “‘Consequences:’ From this one must conclude that Europe is still today in the case of needing laws which favor propagation of the human species.” In other words, that may change. He, as it were, provides in advance for Malthus^{xxii}, and therefore also in advance for laws permitting and maybe even enforcing the restriction of the propagation of the species.

Another important practical consequence is stated in chapters 28 and 29;⁴⁴ [this] concerns the status of the clergy. The clerical estate must not be made very attractive by the great advantages, fiscal and otherwise, which it enjoys. And the last chapter [deals] with hospitals [and] the care of the poor, and the general principle is stated right at the beginning: no indiscriminate alms giving, but [make] people work⁴⁵. But he is not opposed to social policy as such. Let us see the fifth paragraph of this chapter.

Mr. Reinken: “Aurengzebe, being asked why he did not build hospitals, said, ‘I will make my empire so rich that there shall be no need of hospitals.’ He ought to have said, I will begin by rendering my empire rich, and then I will build hospitals.”

LS: In other words, the poor will always be with us. Now go on.

Mr. Reinken: “The riches of the state suppose great industry. Amidst the numerous branches of trade it is impossible but that some must suffer, and consequently the mechanics must be in a momentary necessity.”

LS: The word which he translates “mechanics” is “the workers,” “*les ouvriers*” in French.

Mr. Reinken: “Whenever this happens, the state is obliged to lend them a ready assistance, whether it be to prevent the sufferings of the people, or to avoid a rebellion. In this case hospitals, or some equivalent regulations, are necessary to prevent this misery.”^{xxiii}

LS: So look at it from the point of view of humaneness, or look at from the point of view of hard-headed power politics. From both points of view you need that.⁴⁶

^{xxii} Thomas Robert Malthus (1766-1834), was a British philosopher most famous for predicting the consequences of overpopulation: mass starvation and social upheaval. *Principles of Population* (1798-1826).

^{xxiii} *Spirit of Laws*, vol. II, bk. XXIII, ch. 29, 25-26.

We do not have to read the rest of this chapter. Now the main points, I think, have become clear. Just as in the book on commerce, in the book on population there is implied a criticism of Christianity, of Christian other-worldliness. There is no question about that. Therefore these crucial books are the preparation for the two books on religion which follow now, and which we will discuss next time. Now is there any other point you would like to bring up?

For a theoretical discussion of this whole issue, to what extent is a critique of revealed religion with a view to standards of this-worldly well-being legitimate? This would be worth considering. One could rightly say, revealed religion being concerned with the salvation of man is as such not concerned, or only in a very subordinate manner concerned, with the political well-being. But this modern tradition, starting from Machiavelli on, tries to show the political inferiority of Christian Europe to, say, ancient republican Rome, or maybe even to Islam, as Machiavelli from time to time does, to some of the great Turkish conquerors and administrators. And then they regard this as a sufficient criticism. And that is a great question, whether that is in principle adequate. Naturally, the representatives of revealed religion will always for apologetic reasons be inclined to deny that; but that doesn't concern the core of the question, it seems to me. Now is there any other point you would like to bring up? Mr. Bruell.

Mr. Bruell: You mean that Montesquieu, too, doesn't meet the core of the question?

LS: Not here, it is presupposed. That would be deeply hidden⁴⁷ in the philosophic implications of the First Book—these rather mysterious statements about the laws to which even God is subject, and what this implies regarding the creation of the world, which is the basis of the teaching of revelation, that it is the free act of God.⁴⁸ What is behind this is rather some deistic notion—to put it very mildly—that there is a necessity underlying the whole. The practical consequence is therefore that there is no reason for being grateful. I mean if we speak of God, that God had to create the world, that it was as necessary for him as any other necessity; and therefore the whole drama, as we can say, of creation,⁴⁹ sin, and redemption has no basis. So that would be, I think, the substitute of his discussion of the fundamental issue. One wouldn't find it in the purely political discussion. This would be a critique of consequences, which⁵⁰ [like] all criticisms of consequences, would have to be tested whether it affects the principles

¹ Deleted “On that.”

² Moved “had.”

³ Deleted “The French population.”

⁴ Deleted “Lucretius.”

⁵ Deleted “Now in the case of Lucretius it so happens that, and.”

⁶ Deleted “man.”

⁷ Deleted “is.”

⁸ Deleted “and.”

⁹ Deleted “Good..”

¹⁰ Deleted “the bringing up of children is not the primary purpose.”

¹¹ Deleted “they seek,.”

¹² Deleted “of course.”

¹³ Deleted “of course.”

¹⁴ Deleted “of course.”

¹⁵ Deleted “and so on.”

¹⁶ Deleted “of course.”

¹⁷ Deleted “if marriage is not respected.”

¹⁸ Deleted “politics,.”

¹⁹ Deleted “was compelled.”

²⁰ Deleted “for what we must, for.”

²¹ Deleted “As.”

²² Deleted “Because I think there is—.”

²³ Deleted “is.”

²⁴ Deleted “how he found,.”

²⁵ Deleted “, are.”

²⁶ Deleted “he.”

²⁷ Deleted “it must be that he just hasn’t,.”

²⁸ Deleted “but it wasn’t yet evident how much.”

²⁹ Deleted “of superfluous children may be brought about.”

³⁰ Deleted “Well.”

³¹ Deleted “well.”

³² Deleted “of course.”

³³ Deleted “here.”

³⁴ Deleted “of course.”

³⁵ Deleted “here.”

³⁶ Deleted “of course.”

³⁷ Deleted “no.”

³⁸ Deleted “I mean.”

³⁹ Deleted “of course.”

⁴⁰ Deleted “After all.”

⁴¹ Deleted “course.”

⁴² Deleted “Well.”

⁴³ Deleted “since.”

⁴⁴ Deleted “they.”

⁴⁵ Changed from “And the last chapter dealing with hospitals, with the care of the poor, and the general principle is stated right at the beginning: no alms giving, no indiscriminate alms giving, but making people work..”

⁴⁶ Deleted “Yes.”

⁴⁷ Deleted “in the implications.”

⁴⁸ Deleted “And.”

⁴⁹ Deleted “and.”

⁵⁰ Deleted “as.”

Session 5: April 11, 1966

Leo Strauss: Now these two books are the last ones which deal with the relation of laws, in general, to something other than laws—laws in their relation to something else. And then follows Book XXVI, which is in a way the conclusion, just as Book I was the opening. And what the last five books mean, we will cross that bridge when we come to it.

Now why are these two books on religion at this place? You remember the motto of Book XXIII, taken from Lucretius,¹ [who] is much more important as a² [critic] of religion than as a praiser of Venus, which is only the very opening of his poem. Now there is something about the title of the book which I find in the notes. Yes, in the first edition the title was “Of Laws in the Relation which They have with Religion considered in its Dogmas.” This has been replaced by “Considered in its Practices and itself.” The “Dogmas” are dropped, but they are nevertheless discussed here. Here’s Mr. Vitullo.

[A student paper is read, which was not recorded]

LS: There are a few points which I would like to make now. You said Montesquieu implies “of course” the falsity of the Christian religion. Now can there be any “of course” in such a matter?

Mr. Vitullo: “Of course” only in the sense that in my reading I found the implication extremely clear.

LS: But even assuming that you are right, you would have learned more and made a more thorough analysis if you had not taken that for granted. Also when you say, the Enlightenment was anti-religious, if you read any decent history of the seventeenth and eighteenth centuries in England, France, or Germany, or of this country, you will find that the large majority not only of the inhabitants but also of the writers and of the professors were religious. And these people of whom we think now—say, Hobbes and some others—were an isolated minority, which, however, had in the long run a greater influence on the future. Now there was one point which struck me particularly, because here you may be right and I may be wrong. You said the Stoics are described by Montesquieu as atheists. Did you find that there?

Mr. Vitullo: I thought I did.

LS: Show me the passage. Where is that?

Mr. Vitullo: I think that I drew this as a conclusion [from] chapter 10, the bottom paragraph. I concluded³ this from his saying “their rewards were all within themselves,” they labored for society and their rewards were all within themselves.

LS: Yes, that doesn’t mean that they are atheists. They could be men who love God with all their hearts without any thought of reward for that. I see. That is very unfair to the Stoics. But nevertheless I must tell you, you are right, that according to Montesquieu they are atheists, but that isn’t said here in this book. Now let us then return to the beginning so that we can cover as much ground as possible.

Now he begins Book XXIV by saying in the first chapter that he will treat religion, not as a theologian, but as a political writer. This in itself is defensible. After all, theology always admitted that there is a philosophy there; and political science, or political philosophy, is a part of philosophy. And he says that this will lead to certain assertions which are not unqualifiedly true; otherwise if they were unqualifiedly true, they would be incompatible with the truth of Christianity—for he is, of course, a Christian, as he makes quite clear in the first chapter.

Now religion is useful, a point he makes in the second chapter. Religion is useful surely as a restraint on princes. Now this chapter is entitled “The Paradox of Bayle.” You have told us more or less who Bayle was. The ideal task for a student of Montesquieu would be to have read at least this book of Bayle, *Various Thoughts on the Comet*, which appeared in a large number of editions, and one would have to take the last edition because he added all these new sections.¹ One has to know Bayle because there are many things which are very important and to which Montesquieu does not reply;⁴ therefore⁵ [one can] see what does this silence about these other heresies mean. The most funny thing in Bayle —⁶ [he] was of course a Protestant theologian, and very well trained in theology. Now his argument that is so amusing in this book is this, regarding idolatry and atheism. His key point indeed is to say atheism is better than idolatry. And one argument, which is theological, is based on a famous theological way of reasoning, starting from the divine attribute of jealousy: The biblical God is a jealous God. Now we have no way to⁷ [understand] divine jealousy except⁸ by analogy to human jealousy. Now a human husband would prefer that his wife does not love him, rather than that she loves another man. Not loving him⁹ corresponds to atheism; and loving another man corresponds to idolatry. That is very funny. But the serious point is this: Bayle is as far as I can see the first writer who stated in his own name that an atheistic society is possible. There have been more atheists before him, but he is the first to state that. And that has, of course, very grave consequences up to Feuerbach and Marx in the nineteenth and twentieth

ⁱ Pierre Bayle, *Pensées diverses écrites à un docteur de Sorbonne à l'occasion de la Comète qui parut au mois de décembre 1680*, published 1682, revised with major additions 1683. According to recent scholarship : «This second edition is considered definitive, » «for although a third appeared during Bayle’s lifetime (1699), it differed from the second only in minor respects, as Bayle himself tells us in the notice he appended to it» (Robert Bartlett, page xxv of his translation *Various Thoughts on the Occasion of a Comet*. Albany : State University of NY Press, 2000). The modern French edition: *Pensées diverses sur la comète*, 1683; edited by A. Prat, 2. vols., 1911-12. Re-issued in 1994 with notes by Pierre Rétat (Paris : Société des Textes Modernes).

centuries. I do not have to labor that. Now there is one point, let us read the first paragraph of chapter 2.

Mr. Reinken: “Mr. Bayle has pretended to prove that it is better to be an atheist than an idolater; that is, in other words, that it is less dangerous to have no religion at all than a bad one. ‘I had rather,’ said he, ‘it should be said of me that I had no existence than that I am a villain.’ This is only a sophism founded on this, that it is of no importance to the human race to believe that a certain man exists, whereas it is extremely useful for them to believe the existence of a God.”

LS: “of God,” no “a.”

Mr. Reinken: “From the idea of his non-existence immediately follows that of our independence; or, if we cannot conceive this idea, that of disobedience—”

LS: “of our revolt.” Now he leaves of course entirely open what he thinks about the idea of independence, whether he thinks highly or lowly of it. Good.

Mr. Reinken: “To say that religion is not a restraining motive, because it does not always restrain, is equally absurd as to say that the civil laws are not a restraining motive.”

LS: Read the next paragraph.

Mr. Reinken: “A prince who loves and fears religion is a lion, who stoops to the hand that strokes, or to the voice that appeases him. He who fears and hates religion is like the savage beast that growls and bites the chain which prevents his flying on those who come near him. He who has no religion at all is that terrible animal who perceives his liberty only when he tears in pieces and when he devours.”ⁱⁱ

LS: Yes, in the first place he speaks here of a prince, and that these fellows are in need of restraint can be granted even from a non-religious point of view. He discusses alternatives, but he does not discuss a prince who loves religion without fearing it. You see, it is perfectly true that we are told by the Bible to love God and to fear Him, but not to fear religion—this is something very different. So this interesting possibility of a prince loving religion without fearing it is only implied, but in no way discussed. So we do not know what we have to think of that.

The heading of chapter 3 is “That a moderate Government fits better the Christian Religion, and a despotic Government the Mahommedan,” which makes sense, doesn’t it? I mean the mere fact—as the situation was in the eighteenth century as Montesquieu knew it—that there was at least some moderation in the French government, much more in the English, and there were no parallels to that in the Islamic countries, especially Turkey.

ⁱⁱ *Spirit of Laws*, vol. II, bk. XXIV, ch. 2, 27-28.

Student: I just wondered if Montesquieu makes a differentiation between the teachings of the religion and the religion as it's established as a church, as a body; that is, we can look in the Koran and certainly find most of the same moral teachings that we find in the Bible.

LS: Yes, well, we'll come to that later. That is a point which was brought out by Mr. Vitullo. in his paper, that there is a criterion for the goodness of religions, namely how they are related to morality. And therefore a religion which is favorable to the purest morality would be the most desirable. We [will] come to that.

Student: Well, when he discusses religion here, is he discussing it as it is practiced¹⁰?

LS: No, that would be unfair, because every actual institution has its defects because these are weak human beings. One simply has to take the principles and state¹¹ [them], not only the theoretical but also the practical principles. He is not guilty of that. Now let us read the third paragraph from the end of chapter 3.

Mr. Reinken: "Let us set before our eyes, on the one hand, the continual massacres of the kings and generals of the Greeks and Romans, and, on the other, the destruction of people and cities by those famous conquerors Timur Beg and Jenghiz Khan, who ravaged Asia, and we shall see that we owe to Christianity, in government, a certain political right; and in war, a certain right of nations—benefits which human nature can never sufficiently acknowledge."ⁱⁱⁱ

LS: Yes, so that seems to be an unqualified preference for Christianity on moral-political grounds compared with classical antiquity, mind you, and not only these Jenghiz Khan and Timur. Now of course after what we have heard in praise of classical antiquity, we will have some difficulty to reconcile that. Now let us read the next paragraph.

Mr. Reinken: "It is owing to this right of nations that among us victory leaves these great advantages to the conquered, life, liberty, laws, wealth, and always religion, when the conqueror is not blind to his own interest."^{iv}

LS: Yes, you see, first "always religion," which means they do not leave life, liberty, and so on, always. They do it most of the time maybe. But religion always, "*if*," but then of course you have to think of the religious wars and see a difficulty here. In the first paragraph of the next chapter, he lays down a principle of how to judge of religion.

ⁱⁱⁱ In original: "Let us set before our eyes, on the one hand, the continual massacres of the kings and generals of the Greeks and Romans, and, on the other, the destruction of people and cities by those famous conquerors Timur Beg and Jenghiz Khan, who ravaged Asia, and we shall see that we owe to Christianity, in government, a certain political law; and in war, a certain law of nations—benefits which human nature can never sufficiently acknowledge."

^{iv} In original: "It is owing to this law of nations that among us victory leaves these great advantages to the conquered, life, liberty, laws, wealth, and always religion, when the conqueror is not blind to his own interest." *Spirit of Laws*, vol. II, bk. XXIV, ch. 2, 29.

Mr. Reinken: “From the characters of the Christian and Mahommedan religion, we ought, without any further examination, to embrace the one and reject the other: for it is much easier to prove that religion ought to humanize the manners of men—”

LS: “to make soft,” “*adoucir*.”

Mr. Reinken: “—mollify the manners of men than that any particular religion is true.”

LS: In other words, the extreme case: if man cannot distinguish by his own reason which of the various religions is true, we have one rational criterion, how it affects the character, the manners of men, whether it makes them softer or crueler. Good.

Now in the next chapter he speaks of the relation between Catholicism and Protestantism, i.e., an intra-Christian problem. And here we have of course to think of the famous chapter 6 in the eleventh Book on the British Constitution, which would seem to show a clear preference for Protestantism if the English Constitution and Protestantism go together, as he seems to imply. He speaks in the third paragraph of chapter 5 of independence. The peoples of the north have and will always have the spirit of independence and freedom, which the people of the south do not have. You remember he spoke of independence in this earlier chapter without giving us any explanation. This read[s] as if Montesquieu were a Protestant, which in a formal sense he surely was not. At the end of this chapter¹² he speaks of the difference between Calvinism and Lutheranism: “the Calvinist religion judging itself more conformable to what Jesus Christ¹³ [has] said, and Lutheranism to what the Apostles have done,” i.e., there is a difference between them which is not simply orthodox in the way in which he stated it. Now in the next chapter he turns to another paradox of Bayle’s. Let us read the first paragraph.

Mr. Reinken: “Mr. Bayle, after having abused all religions, endeavors to sully Christianity: he boldly asserts that true Christians cannot form a government of any duration. Why not? Citizens of this profession being infinitely—”^v

LS: No, no, “they would be,” always the subjunctive. “They would be citizens infinitely enlightened about their duties, and who would have a very great zeal for fulfilling them, they would feel very strongly the rights of natural defense.”

Why Christians would feel that more than other human beings is, of course, hard to say.

“The more they would believe to owe to religion, the more they would think to owe to the fatherland. The principles of Christianity, engraved in the heart, would be infinitely stronger than that false honor of monarchies, those human virtues of the republics, and that servile fear of despotic states.”^{vi}

^v *Spirit of Laws*, vol. II, bk. XXIV, ch. 6, 31.

^{vi} Strauss’s translation.

In other words, the highest principle which could possibly enliven a society is the Christian principle, by far superior to all the things which he had discussed in the previous books, because now the virtues of the republics [are described as] human virtues.

Student: What is the condition in this case?

LS: That is not stated, but—

Student: Gathering enough true Christians.

LS: Exactly. Or, in other words, what may also be implied: the demands of Christianity are so high that from the outset you cannot reasonably expect a large society which is in any true sense of the word Christian. So you would need other motives for men than the Christian motive, like the false honor of monarchies, and the human virtues of republics. Yes?

Student: When he says they would feel the rights of natural defense, what exactly does that mean with reference to

LS: Now, according to this doctrine, everyone feels that. I mean, you can find out this experimentally. Other things being equal, if someone points a gun at a man, he takes cover or he obeys. We read this every day in the papers, so we can assume that this is a safe basis for practical considerations. And this is in no way peculiar to Christians. The difficulty would be rather this: does not Christianity in a way endanger this basic right? He could think of the Sermon on the Mount—do not resist evil—he could think of that, but we do not know that. Mr. Shulsky.

Mr. Shulsky:¹⁴ In the example of the Christian commonwealth he gave in Book IV, or whatever it was at the beginning, the one example, the Quaker state in Pennsylvania, was clearly a case where this was given up. It was a state based on pacifism. And his implication there at any rate was that any Christian state would have to be that way.

LS: Yes, that is a good point which would have to be considered. Yes.

Student: Isn't there some sense in this question of natural defense, that he's talking about the defense of society? The very next clause identifies the religion and the society. The more they felt a duty to religion, the more they would feel a duty to their country. So that the need to protect the religion would strengthen the basic need to protect the society.

LS: Sure, that is perfectly clear, but the question is only why the subjunctive all the time: they would, they would?

Same Student: Well, I was commenting on [what] you were saying, why more than any man.

LS: No, I said only that¹⁵ [Montesquieu] doesn't say that they would feel more than any man. He says they would feel very well the rights of natural defense. All men feel that. Unless you mean now by natural defense the defense of the country.

Same Student: That's what I'm saying.

LS: That's not necessary.

Same Student: I know it's not necessary to say that, but I'm suggesting that may be what he has in mind there. He's talking about them in their function as citizens. The clause on either side of that particular clause—

LS: Yes, but if you consider the importance of the right of self-defense as the basis of the whole natural right teaching—I mean the defense, of course, of the individual—one would hesitate to accept that. Now as for the Quakers, the example brought up by Mr. Shulsky, surely that would be a point. We would have to reconsider that. Would the example of the Quakers solve the difficulty?

Student: Well, there's another point here. Right after this he starts talking about perfection and the counsels given toward perfection. And one of the perfections, the Christian perfections, is celibacy, which of course would be impossible as a going principle in a society.¹⁶ The implication would seem to be that although you could have a Christian society, there would be something odd about it, because the Christian perfections, at any rate, would make the society impossible. So it would have to be a Christian society dedicated to keeping its people from being perfect, according to its own principles.

LS: Let us see first what follows. Let us read the next paragraph at least. We can read it all.

Mr. Reinken: "It is astonishing that this great man should not be able to distinguish between the orders for—"

LS: "should have misunderstood the spirit of his own religion."

Mr. Reinken: Nugent inverts that: "should be charged with not knowing the spirit of his own religion."

LS: Now that is very funny. That he called him a great man—he was accused for that. And Montesquieu has an easy answer. Say, Peter the Great, or any other [of the] great conquerors, were morally very questionable, but you cannot deny that they had brains. And what he meant by this was that they misused their brains. And that is what he says of Bayle. He misused his great intellect. Good.

Mr. Reinken: "—that he should not be able to distinguish between the orders for the establishment of Christianity and Christianity itself—"

LS: “not the precepts of the gospels from its counsels.” Now of course Bayle would be excused for that. Why? What about this distinction? Well, it is a Catholic distinction, and not Protestant. And Bayle was at least the greatest part of his life a Protestant. Now let us read the first paragraph of chapter 7.

Mr. Reinken: “Human laws, made to direct the will, ought to give precepts, and not counsels; religion, made to influence the heart, should give many counsels, and few precepts.”^{vii}

LS: Yes, so religion has to do with the heart, and human reason, of which human laws are a consequence, belong[s] to the mind. Religion has nothing to do with the mind—that is a key point here. In chapter 8 he makes clear that even a false religion can produce true virtue. Now when he says in the title, “Of the Agreement of the Laws of *the* Morality”—“*de la morale*”—“With Those of Religion”—“*la religion*”—now religion means very frequently *any* religion, whereas there is no ambiguity in the case of morality, “*la morale*.” This usage is quite important to observe. Now let us read this short paragraph in chapter 8.

Mr. Reinken: “In a country so unfortunate as to have a religion that God has not revealed—”

LS: “that God has not given.” You see, he doesn’t call it a false religion. Yes.

Mr. Reinken: “—it is necessary for it to be agreeable—”

LS: “it is always necessary”

Mr. Reinken: “—always necessary for it to be agreeable to morality; because even a false religion is the best security we can have of the probity of men.”

LS: Yes, here he speaks of false. Now the question which Mr. Vitullo raised, why religion, is answered: you need religion as a support for morality. Whether in the case of all men or most men is practically not important, but there must be sanctions, nonhuman sanctions, for morality and they are supplied only by religion. Yes.

Mr. Reinken: “The principal points of religion of the inhabitants of Pegu are, not to commit murder, not to steal, to avoid uncleanness, not to give the least uneasiness to their neighbor—”

LS: Yes, uncleanness, “*impudicité*,” which is not exactly uncleanness.

Student: Shamelessness, immodesty.

LS: Yes, in sexual matters.

^{vii}*Spirit of Laws*, vol. II, bk. XXIV, ch. 7, 32.

Mr. Reinken:¹⁷ “—to avoid immodesty, not to give the least uneasiness, to their neighbor, but to do him, on the contrary, all the good in their power. With these rules they think they should be saved in any religion whatsoever. Hence it proceeds that those people, though poor and proud, behave with gentleness and compassion to the unhappy.”^{viii}

LS: And since it is so very hard to find out which is the true religion, as he said before, there is no reason to blame these people. They are all right. Now he brings in another, in the next chapter, the Essenes, a Jewish sect about the beginning of Christianity. Yes.

Mr. Reinken: “The Essenes made a vow to observe justice to mankind, to do no ill to any person, upon whatsoever account—”

LS: No, “not even in order to obey,” i.e., there is no excuse that the king, or emperor, or someone has commanded it. Yes.

Mr. Reinken: “—to keep faith with all the world—”

LS: This is also important, “to keep faith with everybody.” There were people in the sixteenth century who thought one does not have to keep faith with heretics.

Student: Jesuits.

LS: Not only Jesuits, that was a long question. And therefore this Essene morality was higher than a certain kind of Christian morality. Now we come then to the very important chapter 10 about the Stoic sects.

Student: Yes, but if I remember that part of the Bible correctly, it seems strange that he would mention them because they were a sort of fanatical group that lived in the desert, weren't they? Jesus went and lived with them, but then he rejected them because of their anti-social—

LS: Yes, anti-political. But we are speaking now of morality, aren't we? We have learned this: the only viable criterion [we have] for religions¹⁸ is their morality. And now let us take that seriously. That he's doing now. And¹⁹ the question whether morality is sufficiently good as a criterion for political society is not discussed here. He has discussed it in a way before while making this transition from virtue to freedom, from Plato's republic, let us say, to the English constitution.

Same Student: Yes, but that's a type of morality that doesn't support government.

LS: That is true, but²⁰ does this problem not also arise on the basis of Christianity? Do you not have to obey your superiors, the powers that be?²¹ Is, for example, the individual soldier entitled to check on the justice of a given war? The question returns there.

^{viii} *Spirit of Laws*, vol. II, bk. XXIV, ch. 8, 32.

Student: A true Christian shouldn't.

LS: Yes, but that leads to very difficult questions, the question of the visible and invisible church, as this is traditionally called. Mr. R., what did you want to say?

Mr. R: The note shows that in the manuscripts Montesquieu brought in this business of the Essenes²² [to show] that their form of the vows was preferable to that of the monks who swore blind obedience. And he quotes Montesquieu extensively to prove that that.

LS: In the manuscripts?

Mr. R: Yes, that this was very much in Montesquieu's mind.

LS: Well, I'm sure he thought of the whole complex of questions. Now you'll notice that these examples in chapters 8-10 are all non-Christians. Now the most important is chapter 10 for reasons which we will see soon. Now begin to read please.

Mr. Reinken: "The several sects of philosophy among the ancients were a species of religion. Never were any principles more worthy of human nature, and more proper to form the good man, than those of the Stoics; and if I could for a moment cease to think that I am a Christian, I should not be able to hinder myself from ranking the destruction of the sect of Zeno among the misfortunes that have befallen the human race.

"It carried to excess only those things in which there is true greatness—the contempt of pleasure and of pain.

"It was this sect alone that made citizens; this alone that made great men; this alone great emperors."

LS: Yes, now this goes very far, doesn't it? Yes.

Mr. Reinken: "Laying aside for a moment revealed truths, let us search through all nature, and we shall not find a nobler object than the Antonines; even Julian himself—Julian (a commendation thus wrested from me will not render me an accomplice of his apostasy) —"

LS: Who wrested it from him?

Mr. Reinken: "No, there has not been a prince since his reign more worthy to govern mankind.

"While the Stoics looked upon riches, human grandeur, grief, disquietudes, and pleasures as vanity, they were entirely employed in laboring for the happiness of mankind, and in exercising the duties of society. It seems as if they regarded that sacred spirit, which they believed to dwell within them, as a kind of favorable providence watchful over the

human race. Born for society, they all believed that it was their destiny to labor for it; with so much the less fatigue, their rewards were all within themselves. Happy by their philosophy alone, it seemed as if only the happiness of others could increase theirs.”^{ix}

LS: Yes, now that’s very high praise, and the last is of course also not without meaning: “Happy by their philosophy alone, it seemed that only the happiness of others could increase their happiness,” meaning it was not necessary for others to agree with their opinions. That is, I think, what he means. Now this is a very important point, but the full meaning doesn’t come out quite clearly here. We have to take into consideration the brief writing Montesquieu composed after these attacks by Jesuits and Jansenists, *The Defense of the Spirit of Laws*, *Défense de L’Esprit des Lois*.^x Now here he says [that] his accusers say²³ the Stoics were followers of the natural religion, meaning something like deism, “and I say they were atheists.” That is what you smelled, but you were not in a position to prove it. I had completely forgotten that. I was quite surprised. Now this has, of course, very grave consequences, because he begins the whole book with the critique of Bayle, that atheism is incompatible with society; and now we hear that the greatest prince of all times, Julian, and also the Antonines, were Stoics, were atheists. Now I think Montesquieu would reconcile these statements as follows: a few [atheist] individuals, and in some extraordinary cases monarchs, can be excellent princes, but the society as a whole cannot be atheist. Yes.

Student: Doesn’t that conflict with what he said in his direct confrontation with Bayle? It seemed to be more important for the princes to be restrained.

LS: Yes, well, the general run of princes.

Student: And the missing case, because a prince who loved religion but didn’t fear it, think of the epicureans. The fear of religion is the belief that—

LS: One could even say Julian loved religion but he did not fear it,²⁴ [that] he loved it in its social function. So, that would solve it.

Student: To say that the Stoics were simply atheists—

LS: According to Montesquieu. I’m not interested in the historical truth.

Student: I know, I’m just saying that that’s a somewhat striking statement itself. Wasn’t the traditional view that they were—

LS: Well, they were a kind of pantheism, that would probably be the traditional description. Materialists, they surely were. Only bodies are, and a kind of world soul. And²⁵ I believe many people would have said that’s atheism, according to the older view. It would be very easy to look up the early histories of philosophy like—what was the name of that Englishman who wrote the first history of philosophy, seventeenth century?

^{ix} *Spirit of Laws*, vol. II, bk. XXIV, ch. 10, 33.

^x *Défense de L’Esprit des Lois*, published in 1750.

Well, around 1640 there was the first history of philosophy in a modern language. I mean I'm sure it was not too surprising in the eighteenth century, what Montesquieu says. But I only use it in order to make this point here, to reach clarity about what he has in mind here. Now read the first paragraph of chapter 11.

Mr. Reinken: "Men been being made to preserve, to nourish, to clothe themselves, and do all the actions of society, religion ought not to give them too contemplative a life."^{xi}

LS: So, in other words, here is another of these universal criteria of the goodness of religion. Moslems are too speculative, he says in the sequel. The question is, for example, is not Protestantism less contemplative than Catholicism? That would be only one of the questions.

Now in chapter 13²⁶ he takes up the question of inexpressible crimes, and he says that the pagans had such inexpressible crimes, but they are excluded in Christianity. They are excluded by Christianity, and therefore Christianity is superior in this respect to the pagan religion.

Chapter 15, "How false Religions are sometimes corrected by the Civil Laws"—naturally he wouldn't give any Christian example under this heading. The question is, however, whether he doesn't also think of some Christian points. That would have to be examined. Chapter 16, "How the Laws of Religion correct the Inconveniences of the political Constitution," only at the end is there a Christian example. The principle underlying these two chapters is, of course, civil laws cannot²⁷ [possibly] correct the true religion. That is by definition impossible. Chapter 17 continues²⁸ [the argument] of chapter 16, and for the same reason also no Christian example. Yes, unfortunately we cannot go into that.

Let us turn to Chapter 19, the second paragraph.

Mr. Reinken: "The religion of Confucius disowns the immortality of the soul: and the sect of Zeno did not believe it. These two sects have drawn from their bad principles consequences, not just indeed, but most admirable as to their influence on society."

LS: "most admirable for society." The sect of Zeno is of course, again, Stoicism. Now the last paragraph of this chapter.

Mr. Reinken: "It is not enough for religion to establish a doctrine; it must also direct its influence. This the Christian religion performs in the most admirable manner, particularly with regard to the doctrines of which we have been speaking. It makes us hope for a state, which is the object of our belief; not for a state which we have already experienced or known: thus every article, even the resurrection of the body, leads us to spiritual ideas."^{xii}

LS: Yes. But he doesn't say anything here about the good effects of Christianity on society. He had done this, one can say, before. In the next chapter, which is also a

^{xi}*Spirit of Laws*, vol. II, bk. XXIV, ch. 11, 33.

^{xii}*Spirit of Laws*, vol. II, bk. XXIV, ch. 19, 39-40.

continuation, he speaks of the Persian religion forbidding celibacy, and says these dogmas were false but²⁹ very useful. Now the question is, could there not also be true dogmas which are not useful but harmful? That is not answered. Regarding the climate, of which he speaks toward the end, this was made clear before and besides by Mr. Vitullo. This has a grave implication that, say, Islam belongs to the hot climate, and Christianity—Europe needs another kind of climate, especially the northern part of Europe; then Christianity is a kind of incongruent thing. It stems from a hot climate and has been transplanted into a cold climate, and one doesn't know what this should do. Now let us turn now to Book XXV. Let us read the title of the book, and then the first chapter.

Mr. Reinken: “Of Laws in Relation to the Establishment of Religion and its external Polity.”^{xiii}

LS: So, in other words, he speaks no longer about the dogmas or the core, but of the establishment, and also, as we will see, of the disestablishment. Yes.

Mr. Reinken: “Of Religious Sentiments.”

LS: “Of Sentiment for Religion,” that’s something different, “*pour la religion*.” The reader who would open it in the eighteenth century³⁰ in France would think of Christianity and the Catholic interpretation, but Montesquieu uses it in a very wide sense. It can mean any religion, which was at that time surely not the common usage. Yes.

Mr. Reinken: “The pious man and the atheist always talk about religion; the one speaks of what he loves, and the other of what he fears.”

LS: Yes, which is which? That is hard to say. Does the atheist fear religion?

Student: I think we’re meant to assume that. That prince who loved and did not fear would be an atheist and not a pious man.

LS: All right, so that is a difficult, an enigmatic sentence with which it begins. Now chapter 2, “Of the Motives of Attachment for the different Religions,” now this is quite a long chapter. Let us read part of the second paragraph.

Mr. Reinken: “We are extremely addicted to idolatry; and yet have no great inclination for the religion of idolaters; we are not very fond of spiritual ideas, and yet are most attached to those religions which teach us to adore a spiritual being. This proceeds from the satisfaction we find with ourselves at having been so intelligent as to choose a religion which raises the deity from that baseness in which he had been placed by others.”

LS: So, in other words, this “we” cannot be human beings in general. That cannot be. It’s always a question, what does a man like Montesquieu understand in a given case by

^{xiii} *Spirit of Laws*, vol. II, bk. XXV, 44.

“we.” And it means, one can assume, we Christians. Now the fifth paragraph of the same chapter.

Mr. Reinken: “When an intellectual religion superadds a choice made by the deity, and a preference for those who profess it over those who do not, this greatly attaches us to religion. The Mahommedans would not be such good Mussulmans if, on the one hand, there were not idolatrous nations who make them imagine themselves the champions of the unity of God; and on the other Christians, to make them believe that they are the objects of his preference.”

LS: Yes, one can of course easily enlarge that: the belief to be elected is another reason for attachment regardless of truth and falsity. Now let us read three paragraphs later on.

Mr. Reinken: “In order to raise an attachment to religion it is necessary that it should inculcate pure morals. Men who are knaves by retail are extremely honest in the gross; they love morality. And were I not treating of so grave a subject I should say that this appears remarkably evident in our theatres: we are sure of pleasing the people by sentiments avowed by morality; we are sure of shocking them by those it disapproves.”^{xiv}

LS: So that complicates matters a bit. We have morality as the criterion of religion. And what is the status of morality? Well, we cannot completely disregard the fact how men behave as distinguished from how they ought to behave. And then we see what is more frequent is a theoretical love for morality, which is much easier than to act morally. And he has here this beautifully stated point: men’s ... *en gros* very decent people—they love morality—and therefore it will not be surprising if they will accept morality as the criterion. Chapter 4, the beginning of the last paragraph, belongs to this. “By the nature of the human understanding —”

Mr. Reinken: Page 48, bottom. “By the nature of the human understanding we love in religion everything which carries the idea of difficulty; as in point of morality we have a speculative fondness for everything which bears the character of severity.”^{xv}

LS: Yes, that’s the same thing from another point of view as we have seen: speculative attractiveness of stern morality, as distinguished from mild manners which have also non-speculative attractiveness. In the next chapter he discusses how the Teutons became Christians. Let us read chapter 3, paragraph 5.

Mr. Reinken: “Those people who have no temples have but a small attachment to their own religion. This is the reason why the Tartars have in all times given so great a toleration; why the barbarous nations, who conquered the Roman empire did not hesitate a moment to embrace Christianity; why the savages of America have so little fondness for their own religion; why, since our missionaries have built churches in Paraguay, the natives of that country have become so zealous for ours.”^{xvi}

^{xiv} *Spirit of Laws*, vol. II, bk. XXV, ch. 2, 44-45.

^{xv} *Spirit of Laws*, vol. II, bk. XXV, ch. 4, 48.

^{xvi} *Spirit of Laws*, vol. II, bk. XXV, ch. 3, 46.

LS: Yes, this is one of the rare cases where he speaks of our religion, meaning Christianity.³¹ So that is another motive of attachment to religion. The Teutons became Christians because they didn't have any serious attachment to their pagan religion and therefore it was not such a great difficulty. But he will correct that picture considerably in the last book, where he speaks of Charlemagne's conquest of the Saxons. So these books do contribute something to the key point. Let us read the beginning of the next chapter.

Mr. Reinken: "The first men, says Porphyry, sacrificed only vegetables. In a worship so simple every one might be priest in his own family."

LS: Yes, what do you say to this quotation from Porphyry? After all, at that time everyone, everyone high and low knew best the Bible. What does the Bible say about the first men who sacrificed?

Student: Cain and Abel.

LS: Who sacrificed herbs and who sacrificed—

Student: Abel was the best of the land.

LS: Cain was the sacrificer of herbs and Abel was the shepherd. Good. The next paragraph.

Mr. Reinken: "The natural desire of pleasing the deity multiplied ceremonies. Hence it followed, that men employed in agriculture became incapable of observing them all and of filling up the number."

LS: In other words, he gives here a very brief sketch of the early history of mankind with a view to religion. And this is wholly different from the biblical account. That is of some importance for the fact that he is a precursor of the modern scientific approach, which regards the Bible simply as one ingredient of world history among many,³² not as the key to world history. We have discussed this at much greater length, where it was also much more necessary, in a seminar on Vico which I gave some years ago;³³ [there] the question of the philosophy of history was the central theme—it had to be^{xvii}. And you see, he takes it for granted that these were polytheists, the first sentence of the next paragraph: "One consecrates to the gods particular places—" and further on, the fifth paragraph, "The cult of the gods—"

Mr. Reinken: "—requiring a continual application, most nations were led to consider the clergy as a separate body. Thus, among the Egyptians, the Jews, and the Persians, they consecrated to the deity certain families who performed and perpetuated the service."

LS: You see, the Jews just appear among these others, pagans, in the central position indeed, but from the traditional point of view no good company. Yes.

^{xvii} Strauss taught a seminar on Vico at the University of Chicago in Autumn Quarter, 1963.

Mr. Reinken: “There have been even religions which have not only estranged ecclesiastics from business, but have also taken away the embarrassments of a family; and this is the practice of the principal branch of Christianity.”^{xviii}

LS: “of the Christian law,” he says. I do not know whether it was so common in the eighteenth century to speak of the Christian law. Among philosophers in the Middle Ages it was more common: *lex Christiana*, the Christian law, and the various laws. And this had to do with the Islamic usage, where what we call religion is called the laws, Shariah³⁴. [This] was then used by the philosophers like Farabi and came over [into the Latin world] via the commentaries on Aristotle by Averroes and such people³⁵. The headings of chapters 4 and 5 speak³⁶ [for] themselves in unequivocal language.

Student: All at the same time criticizing the Catholic Church, because it seems that they might have even been further along the line of putting priests as a separate class?

LS: But surely that’s a part of it. I don’t see why he says that there should be more.

Same Student: Because I don’t see why he singles out Egyptians, Jews, and Persians as doing this to any greater extent than any other religion.

LS: Unless you would say that the establishment of celibacy aggravates the separation of the clergy from the laity. Do you mean it that way?

Student: No, well the monasteries—

LS:³⁷ Read only the headings of chapters 4 and 5.

Mr. Reinken: [4:] “Of the Ministers of Religion,” 5: “Of the Bounds which the Laws ought to prescribe to the Riches of the Clergy.”

LS: Yes, now I think there is a connection which is rather obvious. Let us read the fifth paragraph of chapter 5.

Mr. Reinken: “The civil laws find sometimes many difficulties in altering established abuses, because they are connected with things worthy of respect; in this case an indirect proceeding would be a greater proof of the wisdom of the legislator than another which struck directly at the thing itself. Instead of prohibiting the acquisitions of the clergy we should seek to give them a distaste for them; to leave them the right and to take away the deed.”^{xix}

LS: Yes, in other words, prudent handling is the only proper thing. Chapter 7, first paragraph:

^{xviii} *Spirit of Laws*, vol. II, bk. XXV, ch. 4, 47-48.

^{xix} *Spirit of Laws*, vol. II, bk. XXV, ch. 5, 49.

Mr. Reinken: “‘Those are guilty of impiety towards the gods,’ says Plato, ‘who deny their existence; or who, while they believe it, maintain that they do not interfere with what is done below; or, in fine, who think that they can easily appease them by sacrifices: three opinions equally pernicious.’ Plato has here said all that the clearest light of nature has ever been able to say in point of religion.”^{xx}

LS: So, in other words, we have here now a statement not only of morality, of natural morality, but also of natural religion—and that he is willing to accept it, it seems. In chapter 8, “On the Pontificate,” perhaps we will read that.

Mr. Reinken: “When religion has many ministers it is natural for them to have a chief and for a sovereign pontiff to be established. In monarchies, where the several orders of the state cannot be kept too distinct, and where all powers ought not to be lodged in the same person, it is proper that the pontificate be distinct from the empire.”

LS: It is “good,” he says.

Mr. Reinken: “The same necessity is not to be met with in a despotic government, the nature of which is to unite all the different powers in the same person. But in this case it may happen, that the prince may regard religion as he does the laws themselves, as dependent on his own will. To prevent this inconvenience, there ought to be monuments of religion, for instance, sacred books which fix and establish it. The King of Persia is the chief of the religion; but this religion is regulated by the Koran. The Emperor of China is the sovereign pontiff; but there are books in the hands of everybody to which he himself must conform. In vain a certain emperor attempted to abolish them; they triumphed over tyranny.”^{xxi}

LS: Now what is peculiar to this book here?

Student: In England, for example, the King was head of the Church.

LS: But what is—yes?

Student: Well the Roman pontiff endeavored to set up his authority in excess of that of the Bible, and in large parts of Europe that tyranny has triumphed.

LS: More simple.

Student: No republics.

LS: He doesn’t say a word about republics. In other words, to have the separation of powers spiritual and powers temporal is all right for monarchies; the coincidence of the two is the right thing for despotism; and the right thing for republics we are not told. We would have to figure it out for ourselves on the basis of all we have read.

^{xx} *Spirit of Laws*, vol. II, bk. XXV, ch. 7, 50.

^{xxi} *Spirit of Laws*, vol. II, bk. XXV, ch. 8, 51.

Student: But he only says it's an inconvenience. He doesn't say that it is wrong.

LS: Well, he speaks here surely politically, surely, because formally he leaves it at that, that he is speaking only as a political writer but who is a Christian; and therefore he leaves alone the question of truth, and also the revealed character of institutions. He does not explicitly question that.³⁸

So then he turns to tolerance in religion. Let us read only the continuation of the same subject in chapter 10.

Mr. Reinken: "As there are scarcely any but persecuting religions that have an extraordinary zeal—"

LS: "intolerant religions," he says.

Mr. Reinken: "—intolerant religions which have an extraordinary zeal for being established in other places (because a religion that can tolerate others seldom thinks of its own propagation), it must, therefore, be a very good civil law, when the state is already satisfied with the established religion not to suffer the establishment of another.

"This is then a fundamental principle of the political laws in regard to religion; that when the state is at liberty to receive or to reject a new religion it ought to be rejected; when it is received it ought to be tolerated."^{xxii}

LS: Now we see here clearly that the Christian mission, both Catholic and Protestant, that Christianity is an intolerant religion. That would seem to follow.³⁹ Then we have here the policy, the fundamental principle, of political laws regarding religion. Now what would be the consequence of that if the Roman Empire had acted on that, the pagan Roman Empire?

Student: More efficient persecution.

LS: Surely, no toleration. That is clear. By the way, this has an immediate prehistory which is quite interesting. In the sixteenth century, during the religious wars and disorders in France, there was a group. There were of course Protestants and Catholics,⁴⁰ [but also] one [group] in between, who were called at that time *les politiques*, the politicians. And they established this principle, from a strictly political point of view: it's nice to have a single established religion, it makes things easy; but if another sect has become established, and if⁴¹ [persecution] would lead to great bloodshed, then toleration. And it might even be possible to have complete toleration, as in the case of Holland, or under Cromwell in England. Montesquieu takes obviously the same view. You want to say something?

^{xxii} *Spirit of Laws*, vol. II, bk. XXV, ch. 10, 52.

Student: What does this do to the principle on which the government—if there are different religions appropriate to different states, and you introduce more than one religion, or favor them all equally, let's say—

LS: Well, that is very simple. For example, take a simple case. You have a state preponderantly Christian, the case in which Montesquieu is most interested. And then Muslims want to bring in polygamy. Now what would happen? What would Montesquieu wish to happen? What this country did in the case of the Mormons, without question. I mean, there must be some order. Surely at the point where it reaches civil laws proper. I mean what should be done about such things as the Black Muslims is an entirely different question, because as far as I know they don't think of polygamy. I never heard of that at least. Whether what they think of is not as grave as polygamy, that would require much more knowledge of their principles and beliefs than I for one can claim to have. Yes.

Student: For some of the *politiques*, in particular Bodin you had this principle of toleration of the private practice of minority religions, where the state associated itself with the dominant religion and permitted private practice. And then this gets into all kinds of complications. If the minority grows so large that their practices begin to infringe on—

LS: But that is then a matter of⁴² [prudently] watching that⁴³ things don't get out of hand, as it was from the point of a strict *politique*, that would be necessary.

Student: [Is] Montesquieu talking here though⁴⁴ about an indifference of the political order to religion in the case of a toleration of several religions in a state?

LS: Well, we'll come to that a bit later. Yes.

Student: The point I was getting at is, it would seem that⁴⁵ only one of the forms of government which he was talking about⁴⁶ could tolerate it. That is, it doesn't seem that it could be tolerated in a monarchy, where you have a hierarchical structure in religion and a hierarchical structure in politics. It seems it would only be in a republic that you could have toleration. You certainly couldn't have it in a despotism. It would be destructive of someone having an absolute say in a monarchy.

LS: Sure, republics are in a way the most interesting case. And I believe that the people with whom Montesquieu belongs together would have said the best thing is the multiplicity of sects.⁴⁷ Then it wouldn't even make a difference whether one of them is established or not. But if there are sufficiently many, and not the majority belonging to a single one, then the greatest chances are that the neutral secular state can control them. Something of this kind, I believe, would have appealed to Montesquieu. Though you must never forget that Hobbes—who is famous, or infamous, or notorious, because of his absolutism,⁴⁸ that there is *the* state religion and it will be rammed down everybody's throat without any difficulty—that this same Hobbes, when he had somewhat greater freedom in this respect, as he had under Cromwell when the Elizabethan heresy laws had been revoked, in the *Leviathan*, the English *Leviathan*, comes out clearly for

independentism, in the sense of a great variety of sects⁴⁹ [toward which] the state is fundamentally neutral.⁵⁰ [The state] has no reason to suppress them, unless⁵¹ [any sect should] question private property or any other really important heresy which affects the civil law. I mean whether they take the Lord's supper in this⁵² or that form, that is their private business. This, I think, is more or less the position [also] taken by Montesquieu.

So the change of religion⁵³ comes in the next chapter 11, but it comes out most clearly in chapter 12. We have already read that, "On Penal Laws." We read only the central paragraph.

Mr. Reinken: "It is not, therefore, by filling the soul with this great object, by approaching it to the moment where this (the threats and promises of religion) is of the greatest importance, that she can be most successfully detached from religions: it is a surer way to attack religion by favor—"

LS: "a religion," he says. Because of course he speaks now only of how to attack a false religion.

Mr. Reinken: "—surer to attack a religion by favor, by the commodities of life, by the hope of fortune; not by that which turns it away, but by that which makes one forget it."

LS: You see, that's much more effective. If you forget it, then the whole problem is solved.

Mr. Reinken: "—not by that which makes you indignant, but what makes you bored—"

LS: "lukewarm."

Mr. Reinken: "—lukewarm, while the other passions act on our souls, and that of religion inspires silence—"

LS: "are silent," which means they are ineffective. That is the simple technique. But to repeat, he can always say that he is speaking [about] how to handle false religions. And it needs an argument whether this applies to all religions. Yes.

Mr. Reinken: "As a general rule, in changing a religion the invitations should be much stronger than the penalties." ^{xxiii}

^{xxiii} In original: "It is not, therefore, by filling the soul with the idea of this great object, by hastening her approach to that critical moment in which it ought to be of the highest importance, that religion can be most successfully attacked: a more certain way is, to tempt her by favors, by the conveniences of life, by hopes of fortune; not by that which revives, but by that which extinguishes the sense of her duty; not by that which shocks her, but by that which throws her into indifference at the time when other passions actuate the mind, and those which religion inspires are hushed into silence. As a general rule, in changing a religion the invitations should be much stronger than the penalties." *Spirit of Laws*, vol. II, bk. XXV, ch. 12, 53.

LS: Yes, which is a very noble statement and I think in no way objectionable. Now in the next chapter there is a very humble remonstrance to the inquisitors of Spain and Portugal, which is quite impressive and even moving, but we cannot read it. It is a Jewish girl of eighteen who makes this statement, not Montesquieu himself. Let us read the third paragraph from the end of this long⁵⁴ chapter.

Mr. Reinken: ““You live in an age in which the light of nature shines more brightly than it has ever done; in which philosophy has enlightened human understandings; in which the morality of your gospel has been better known; in which the respective rights of mankind with regard to each other and the empire which one conscience has over another are best understood.”^{xxiv}

LS: Now you see the consciousness of progress of which we have found many traces also here, and therefore the Inquisition will have to go. Only one more word about the fourteenth chapter, the next one, “Why the Christian Religion is so odious in Japan.” One should also read that and replace Japan by the Roman emperors, which is another indirect way of restating the case of the pagan Roman Empire.

All these questions will come up again in the *Persian Letters*, but with a difficulty: how far can we hold responsible the mature and old Montesquieu for this youthful work? That is a question. But one can surely say that the notions stated in the *Persian Letters* were, to put it mildly, not unknown to Montesquieu, and therefore of some help for the understanding of *Spirit of Laws*. Good.

¹ Deleted “and Lucretius.”

² Deleted “critique.”

³ Deleted “to.”

⁴ Deleted “and.”

⁵ Deleted “has to.”

⁶ Deleted “Bayle.”

⁷ Deleted “understanding.”

⁸ Deleted “by understanding.”

⁹ Deleted “, that.”

¹⁰ Deleted “say for instance.”

¹¹ Deleted “it.”

¹² Deleted “he says,.”

¹³ Deleted “had.”

^{xxiv} *Spirit of Laws*, vol. II, bk. XXV, ch. 13, 55-56.

¹⁴ Deleted “Well.”

¹⁵ Deleted “... He.”

¹⁶ Deleted “And.”

¹⁷ Deleted “Yes.”

¹⁸ Moved “we have.”

¹⁹ Deleted “then.”

²⁰ Deleted “is there not also”

²¹ Deleted “and.”

²² Deleted “as showing.”

²³ Moved “that.”

²⁴ Deleted “and.”

²⁵ Deleted “that was according to the older view.”

²⁶ Deleted “when.”

²⁷ Deleted “possible.”

²⁸ Deleted “that.”

²⁹ Deleted “were.”

³⁰ Deleted “reading it.”

³¹ Deleted “Yes.”

³² Deleted “and.”

³³ Deleted “and where.”

³⁴ Deleted “and.”

³⁵ Moved “into the Latin world.”

³⁶ Deleted “by.”

³⁷ Deleted “We come”

³⁸ Deleted “Mr. R.” “Student: Well, I’ll ask later..”

³⁹ Deleted “And.”

⁴⁰ Deleted “and.”

⁴¹ Deleted “it.”

⁴² Deleted “prudent.”

⁴³ Deleted “the.”

⁴⁴ Changed from “What Montesquieu is talking about here though ... Is he talking.”

⁴⁵ Deleted “there would be.”

⁴⁶ Deleted “which.”

⁴⁷ Deleted “And.”

⁴⁸ Deleted “you know,.”

⁴⁹ Deleted “and.”

⁵⁰ Deleted “to that.”

⁵¹ Deleted “there would be one which.”

⁵² Deleted “form.”

⁵³ Deleted “which.”

⁵⁴ Deleted “paragraph.”

Session 6: April 13, 1966

Leo Strauss: Mr. Roos, that was a good paper. I noticed only a few points. In order to understand the place of Book XXVI, you spoke of what happened since Book XIV, climate, etc. But this would not be sufficient. You would also have to take into consideration what happened before Book XIV. Now if you look at the book headings, you would see that he always discusses law in relation to something else. For example, to the polity, that is the first consideration. And Book I does not have this relation of laws to something else, but the relation of the various kinds of laws we can say. And that is exactly what he is doing at the end, in Book XXVI. That is a simple point. When you say [that] according to Thomas Aquinas natural law must be subordinated to divine law, is this strictly speaking true?

Mr. Roos: Well, this was perhaps stated too generally.

LS: Did you . . . the two kinds of laws?

Mr. Roos: Certainly not divine law, not revealed divine law, but eternal law, because—

LS: Oh yes, so you should not have spoken of divine law. And there is no necessity of subordinating the natural law to eternal law, because it is in itself subordinate, the natural law.

Mr. Roos: Natural law, yes.

LS: So this was not quite correct. But the most important question which you raised later on and throughout your paper, and to which I did not get a clear answer: what is the hierarchy of laws in Montesquieu, to the extent to which one can speak of that?

Mr. Roos: It was my reading of the chapter that in every instance when there is a possibility of conflict between different types of laws,¹ religion, or say the law of morality as given to us by philosophy, is subordinated to the needs of society.

LS: How does he call that kind of law?

Mr. Roos: It can be both civil and political law, but also natural law, which is in a sense the basis of the civil and political law.

LS: Now what is the hierarchy between these three: natural law, political law, and civil law?

Mr. Roos: I would say the highest is natural law, and then political law, and then civil law.

LS: But how is this compatible with the supremacy of property, property being the province of civil law?

Mr. Roos: Property would seemingly be supreme because as the argument develops he finds it necessary to have property in order to have commerce, in order to have moderate society, which again goes back to natural law, and self-preservation.

LS: But property in the case of the conflict between political law and property law—to what side would he incline?

Mr. Roos: Well, as I said, I raised the question, what would happen if² political liberty demanded the abolition of private property in certain cases—

LS: Only the limitation, or interference.

Mr. Roos: He would say that it is never in the public good to limit private property or take it away, but it's not because there is some sort of natural law. But he doesn't give any argument that private property is naturally good.

LS: Well, that is another matter, whether he doesn't have such an argument at least by implication. What would be the natural law argument in favor of assigning this place to property rights?

Student: If property rights were by nature, and civil society was only established to secure them.

LS: To secure them, but that doesn't mean that civil society creates them.

Student: No, I said if they were by nature—

Student: Because the labor is mixed in?

LS: Yes, that has something to do with it. I was thinking of Locke, the connection between comfortable self-preservation and self-preservation. Property is needed for comfortable self-preservation, as you can easily find out for yourself. If you don't have any money you may be able to preserve yourself somehow, but you cannot do it comfortably. Good. Now let us turn to the text itself. Yes.

Student: I understood that for Montesquieu if there were a political necessity it would be justifiable to abridge property rights.

LS: I'm sure there would be a right of eminent domain, but proper indemnification and a genuine cause, a public need.

Same Student: Yes, he makes a distinction between taking away the rights of private property and some sort of eminent domain where there has to be some sort of retribution.

LS: Yes, to that extent, but no one has ever regarded this as a danger to private property, except sometimes people who are so enamored of the piece of land or the farm which they possess. But it is based on a recognition of private property subject to a reasonable qualification. Yes.

Student: Here again, we referred to Montesquieu deciding in a case of conflict between civil and religious law, deciding for civil law, and that would increase the number of people in the community. Now in Montesquieu is this an ultimate reason, that the more people the better or is it—

LS: Not universally. There can be overpopulation. So that in the case of overpopulation you should rather discourage proliferation.

Same Student: Didn't Montesquieu, though, previous to this make the argument that a healthy population, an increasing population, was a sign of a well constituted polity?

LS: Yes, he inclined to that, but he also makes a remark that in present-day Europe there is a necessity for legislation favoring the propagation of the species, which implies that this is not always the case.

Student: We could reconcile it by saying, the increasing population is always the sign of a healthy polity, but the healthy polity may be in unfavorable and unsuitable circumstances, like a limited land. And decreasing population may be called for by the poor food supply. If it were a healthy polity, it would have to be on the land that permitted an expanding population.

LS: I see, and it would have sufficient commerce to take care of the surplus population. All right, maybe. Let us now turn to Book XXVI. This book, to repeat, is somehow the end of the work, just as Book I was the beginning. And this confronts us with the question: why the other five books? This we will take up next time. Now let us first read the enumeration given in the first paragraph of the first chapter.

Mr. Reinken: “Men are governed by several kinds of laws; by the law of nature; by the divine law, which is that of religion; by ecclesiastical, otherwise called canon law, which is that of religious polity—”

LS: “policy,” from “police,” which has also the same meaning as the English “police,” rather more administrative.

Mr. Reinken: “—by the law of nations, which may be considered as the civil law of the whole globe, in which sense every nation is a citizen; by the general political law, which relates to that human wisdom whence all societies derive their origin; by the particular political law, the object of which is each society; by the law of conquest founded on this, that one nation has been willing and able, or has had a right to offer violence to another; by the civil law of every society, by which a citizen may defend his possessions and his

life against the attacks of any other citizen; in fine, by domestic law, which proceeds from a society's being divided into several families, all which have need of a particular government."

LS: Now these are nine kinds of laws, if my counting is correct. And in the center we find "general political right, which has for its object that human wisdom which has founded all societies." Now what he calls here "general political right" was also called universal public right,³ which is exactly the kind of thing that Hobbes, Locke, Rousseau, to mention only the most famous names, have been doing in their political works. These were not political books in the sense in which Aristotle's *Politics* is a political book, but treatises of general political right which apply to all political societies. And particular political right would be, say, American public law, or Roman public law, or whatever it is. Good. So he underlines the importance of this kind of right by the position which he assigns to it. And this would be in itself for me, very privately, a reason to assume that it is the highest form of law for Montesquieu. To that extent civil law, which is important, would ultimately have to be understood in the light of that. Yes.

Student: He stops talking about divine law and starts talking about the laws of religion which is not enumerated.

LS: The second.

Same Student: "the divine law, which is that of religion," but that's not the same thing as the law of religion, or laws of religion.

LS: Well, in the first place in the French he always uses the word *droit*, which I translate by "right" and not "law." That is old Roman usage. This is in common use in the non-English-speaking languages. So he gives natural right the first place, prior to divine right. But I believe this is in itself defensible from a religious point of view because divine right is not assumed to be contradictory to natural right. It may limit the right which a man has by natural right, but that doesn't mean contradiction. All positive right limits the rights which men have under natural right to some extent. Your right to self-defense is of course limited in civil society. You must have no possibility of recourse to the police, for example, which is not a qualification belonging to natural right as such. Good. Now let us read the next and last paragraph.

Mr. Reinken: "There are therefore different orders of laws, and the sublimity of human reason consists in perfectly knowing to which of these orders the things that are to be determined ought to have a principal relation, and not to throw into confusion those principles which should govern mankind."ⁱ

LS: Yes, there is a slight change here compared with the title. The title said, "On the Laws in the Relation which They ought to have with the Order of Things on which They establish Rules." And here he speaks of the order of the *laws* to which the things are related. That is surely more precise. Whether this order of the laws is based on the order

ⁱ *Spirit of Laws*, vol. II, bk. XXVI, ch. 1, 58.

of the things, this [now] becomes⁴ a question. Now he begins at the beginning, but not quite, because he doesn't begin with the distinction between natural and human right, but with divine and human laws. You see the word "laws," not "right." And he takes up the natural law only in the third chapter. Now let us read the beginning of chapter 2.

Mr. Reinken: "We ought not to decide by divine laws what should be decided by human laws; nor determine by human what should be determined by divine laws."

LS: Well, this in itself is a perfectly innocent proposition. I mean, no one would expect that we should decide by divine law what kind of taxes should be raised, and so on. That is easy. But now he comes to a more difficult point.

Mr. Reinken: "These two sorts of laws differ in their origin, in their object, and in their nature. It is universally acknowledged, that human laws are, in their own nature, different—"

LS: "are of a different nature than the laws of religion."

Mr. Reinken: "—from those of religion; this is an important principle: but this principle is itself subject to others, which must be inquired into."

LS:⁵ He had mentioned three points, you will recall: origin, object, and nature. Now let us see what he discusses and what he does not discuss.

Mr. Reinken: "It is in the nature—"

LS: The *nature*, he speaks [of] here. Yes.

Mr. Reinken: "—of human laws to be subject to all the accidents which can happen, and to vary in proportion as the will of man changes; on the contrary, by the nature of the laws of religion, they are never to vary."

LS: You see, he speaks here only of the nature: the ones are changeable, and the others are unchangeable. Yes.

Mr. Reinken: "Human laws appoint for some good; those of religion for the best: good may have another—"

LS: He doesn't say here—that's quite interesting, he says, "human laws '*statuent*'"—how would you translate that?

Student: "establish."

LS: Or "legislate about the good; religion [not the laws of religion] on the best."

Mr. Reinken: “—good may have another object, because there are many kinds of good; but the best is but one, it cannot therefore change. We may alter laws, because they are reputed no more than good; but the institutions of religion are always supposed to be the best.”

LS: Yes, now of course the question is, what does he mean by religion here? I mean that is the difficulty. Does he mean by religion of course the Christian religion as understood by Catholicism? That would be one thing. He wrote in France. But it was published in a reformed city, in Geneva. And we will see later on that [in Montesquieu] religion [frequently] means⁶ any religion, any religion which is accepted—

Student: Yes, but in what sense don't the laws of religion change, because after all there are divine laws but they are subject to human interpretation. We get new insights, like Bultmann and Buber—

LS: But you mention theologians who are not in the order of orthodoxy in any way. I mean Bultmann is an open critic of the New Testament, of many things in the New Testament—his whole concept of de-mythologization.ⁱⁱ And in the case of Buber, he rejects every orthodoxy, as I have read with my own eyes.ⁱⁱⁱ So that's not interesting. Such theologians didn't exist in former times, in Montesquieu's time. That is a very complicated business to establish retroactive laws, or retroactive problems.

Same Student: But didn't even Thomas Aquinas change that?

LS: What did he change? He codified it. He did disagree with Augustine. That is not a critique of—after all, a Church Father is not an infallible authority, especially not when he speaks philosophically, on the basis of Plato, and Thomas was satisfied that Aristotle was philosophically sounder than Plato. Is this not a reasonable assertion? Or is there someone else here who has some theological training and can support me?

Same Student: Well, you have to distinguish between religious teaching and canon law. Much of what Thomas is concerned with is not dogma but is natural philosophy.

Student: But he talks in one sense as if he's talking about divine [law], and then in another sense he talks about things established for the administration of the Church.

ⁱⁱ Rudolf Karl Bultmann (1884–1976), German theologian, educated as a Lutheran, long-time professor at the University of Marburg. He defined a radical split between history (including the historical worth and even reliability of the gospels) and faith, “demythology,” arguing that only the fact of the crucifixion of Christ is necessary for Christian faith. Author of *History of the Synoptic Tradition* (1921).

ⁱⁱⁱ Martin Buber (1878–1965), Austrian-born theologian. Professor at University of Frankfurt am Main 1930–33, resigning after Hitler took power, eventually moving to Jerusalem in 1938. Known for his thesis of dialogical existence. Author of *Ich und Du* (1923; translated as *I and Thou*).

LS: That is canon law. We come to that later. But you can, of course, raise one point, and I thought you meant that. After all, there was a divine law of the Old Testament. And the divine law of the New Testament differs from the divine law of the Old Testament. And therefore you can simply say that the divine law is not unchangeable. But within, and perhaps this last sentence provides for that, the institutions of religions are always supposed to be the best.⁷ In the Old Testament dispensation, the Mosaic law was supposed to be the best. And then the transition to Christianity took place. And then the bestness of the Mosaic law was questioned.⁸ He provides for it by the tacit assumption which will become explicit very soon—it has already been explicit before—that there are a variety of divine laws, “n” divine laws. But under every divine law, the divine law established is reputed to be best. That is consistent, isn’t it? I mean whether it is pious is another matter, but we have to distinguish these two considerations. Good. So when he says, all men agree about the nature of divine laws and human laws, this does not yet mean that they all agree regarding the object and the origin. Now the next paragraph, please.

Mr. Reinken: “There are kingdoms in which the laws are of no value as they depend only on the capricious and fickle humor of the sovereign. If in these kingdoms the laws of religion were of the same nature as the human institutions, the laws of religion too would be of no value. It is, however, necessary to the society that it should have something fixed; and it is religion that has this stability.”

LS: Yes, he says “that religion” here, “*c’est cette religion qui est quelque chose de fixe.*” Yes, but here he speaks only of despotic states in this paragraph, states where the laws are nothing, or nothing except the capricious and transient will of the sovereign. Now in such states the laws of religion must have a different nature than human laws, because otherwise the religious laws would be dependent on the whim of the sovereign, i.e., would have the same status. But there must be something fixed.⁹ This is a thought which we have observed “n” times in the book, that in a despotic state the only thing that can refrain the despot—think of Turkey, this was a favorite example—is divine law. And this leads us of course to the question, what about the divine law in monarchies and above all in republics? You remember last time we found a discussion of this subject:¹⁰ he was silent on republics, and therefore left us with that question to settle with our poor reason. Yes.

Student: And here doesn’t this have the consequence, since in Part II he gives the only example which he gives where the nature of the religious law, which he spoke of in Part I, is beneficial, that in other cases it is not?

LS: What’s beneficial?

Student: The unchangeable character, or nature, of the religious.

LS: To the extent to which he tries to speak as a Christian, he will of course take the beneficial character for granted. And here he would say: in a despotism surely a reputedly divine law is desirable as a restraint on the despot. The question is, what about divine law

in a republic, or, in particular, in that kind of republic like England which he liked so much.

Student: But isn't his precept broader than that against reformation because religion has a utilitarian value which comes from its restraining power and this depends on antiquity. Because he says in the next one—

LS: Well, let us come to that. Let us read the last paragraph.

Mr. Reinken: “The influence of religion proceeds from its being believed; that of human laws from their being feared. Antiquity accords with religion, because we have frequently a firmer belief in things in proportion to their distance, for we have no ideas annexed to them drawn from those times which can contradict them.”

LS: From the ancient times. Yes.

Mr. Reinken: “Human laws, on the contrary, receive advantage from their novelty, which implies the actual and particular attention of the legislator to put them in execution.”^{iv}

LS: That is, of course, very crucial. Human laws generally speaking are preferable if they are new because the legislator knows the situation in which we live now. If he had lived a hundred years ago he might have legislated for a different situation, and therefore his laws would not be so good. But the opposite is true of religious laws. The reason he gives is extraordinary. We cannot contradict them when they are old; whereas, if they were more recent we would contradict them. What kind of a recommendation is that? We don't have in the head, he says. He chooses this word, I believe, advisedly. There may be in the books all kinds of statements, but we have no direct knowledge of what has happened and therefore we cannot contradict. And therefore we are willing to accept them.

Now what he said in this very restrained way was stated by his quasi-contemporary, Gibbon, in a much more direct way. I would like to read this. It's an interesting example of what people called the age of reason. He speaks of the Jewish war in the early Roman Empire¹¹: “This inflexible perseverance which appeared so odious or ridiculous to the ancient world, assumes a more awful character, since Providence has deigned to reveal to us the mysterious history of the chosen people. But the devout and even scrupulous attachment to the Mosaic religion, so conspicuous among the Jews who lived under the second temple, becomes still more surprising, if it is compared with the stubborn incredulity of their forefathers.” Now read this.

Mr. Reinken: “When the law was given in thunder from Mt. Sinai; when the tides of the ocean and the course of the planets was suspended to save the Israelites; and when temporal rewards and punishments were the immediate consequences of their piety or disobedience, they perpetually relapsed into rebellion against the visible majesty of their divine king, placed the idols of the nations in the sanctuary of Jehovah, and imitated

^{iv} *Spirit of Laws*, vol. II, bk. XXVI, ch. 2, 58-59.

every fantastic ceremony that was practiced in the tents of the Arabs, or in the cities of Phoenicia. As the protection of heaven was deservedly withdrawn from the ungrateful race, their faith acquired a proportionable degree of vigor and purity. The contemporaries of Moses and Joshua had beheld with careless indifference the most amazing miracles. Under the pressure of every calamity, the belief of those miracles has preserved the Jews of a latter period from the universal contagion of idolatry; and in contradiction to every known principle of the human mind, that singular people seems to have yielded a stronger and more ready assent to the traditions of their remote ancestors, than to the evidence of their own senses.”^v

LS: That is what he alludes to. The idea is, in religion ancient things are more credible than recent things. Or, in other words, our faith rests on ignorance. As he says here, we cannot contradict it. Yes, Mr. Schaeffer.

Mr. Schaeffer: Does what Montesquieu says about the advantage of novelty in law imply that, first of all, he disagrees with the *Federalist Papers*, which point to importance of reverence for the laws, and second of all—

LS: No, that is one of these dangerous inferences which men in general, and young people in particular, are apt to make. Montesquieu says this here in a certain context to bring out that nasty thought which is more clearly stated by Gibbon. Of course, Gibbon also doesn't say quite what he¹² [thinks], as you must have seen. Because he's sure he could understand it from human nature, and he says only this happened, that the Jews didn't believe at the time of the miracles, but only later on when the miracles were only reported. This is contrary to all known principles of human nature. He means of course: I could easily give a psychological explanation of that. That is clear. So that Montesquieu was in favor of a reasonable conservatism in politics and therefore a reasonable reverence for the old is of course perfectly compatible with what he says here.

Mr. Schaeffer: I wonder if there is any implication there that fear of the laws can to some extent replace what was thought to be the need for reverence for the laws which were old.

LS: Well sure, it must be replaced because fear proper is the principle of despotism. And in any moderate government, and especially in a republican government, a man would obey the laws not only from fear, although fear is always a necessary *ultima ratio*, last resort of the legislator.

Mr. Schaeffer: There seems in this context to be the other implication, that fear in fact—

LS: I am more concerned that you understand the principle of reading such books. Since he speaks about a subject about which he cannot speak openly, he must make concessions to the position which he attacks. And you cannot take these statements which he makes in this context as if they were made unqualifiedly. Is this clear? Good. So, in other words, this chapter seems to suggest that the divine laws are not a very serious problem for

^vGibbon, Edward. *The History of the Decline and Fall of the Roman Empire*. Vol I, chapter XV.

Montesquieu in his own thought. They are a very serious problem for him as an institution, as a sovereign institution as established, for example, in France. Now we come to the chapter on natural law which I'm sure he did take seriously. Whether we can read this whole chapter remains to be seen. The key point is, of course, natural defense and defense of natural sense of shame, which would apply especially to women. Yes, now let us see, the third paragraph.

Mr. Reinken: "The law passed during the same reign—"

LS: Namely Henry VIII.

Mr. Reinken: "—which condemned every woman, who, having carried on a criminal commerce did not declare it to the king before her marriage, violated the regard due to natural modesty. It is as unreasonable to oblige a woman—"

LS: "a girl"

Mr. Reinken: "—a girl to make this declaration, as to oblige a man not to attempt the defense of his own life."

LS: So, this much is clear, this natural right of natural sense of shame applies only to women, not to men. That is one point which appears quite clearly. Now let us read the next paragraph.

Mr. Reinken: "The law of Henry II which condemned the woman to death who lost her child, in case she did not make known her pregnancy to the magistrate, was not less contrary to self-defence."

LS: It was self-defense. It had nothing to do with natural modesty. Then he turns again to a case of natural defense, which we have read. The next paragraph then.

Mr. Reinken: "What other information could she give in this situation, so torturing to natural modesty? Education has heightened the notion of preserving that modesty; and in those critical moments scarcely has she any idea remaining of the loss of life."

LS: So here we find an indication of the importance of education regarding this natural sense of shame, natural modesty. Whether this throws any light on its natural character is a long question, because we have seen that in the statement on natural rights in chapter 2 of the First Book the natural rights par excellence are sentiments which grow up in men without any education, without any convention. Now a little bit later on, the second paragraph.

Mr. Reinken: "Among the Romans, a father might oblige his daughter to repudiate her husband, though he himself had consented to the marriage. But it is contrary to nature for a divorce to be in the power of a third person."

LS: So that is a kind of natural law. The right to demand a divorce belongs to the partners in the marriage and to nobody else. And this has a very grave implication. Divorce seems to be in itself according to natural law, which was a very grave statement to make. Therefore read the sequel.

Mr. Reinken: “A divorce can be agreeable to nature—”^{vi}

LS: No, no, no, “If divorce is agreeable to nature.” So, in other words, he protects himself. He doesn’t say that divorce is according to nature, but he says if it is according to nature, then it should be in the hands of the married people concerned and not in the hands of the father. Now we cannot read everything of course, but we should try at least to clarify what he thinks about natural law. Yes.

Mr. Bruell: Can I ask a question on this point? If divorce is according to nature, divorce depends on there being a marriage in the first place, which seems to be convention rather than—

LS: There are two ways: if marriage is natural, then it might be that the dissolution of marriage under certain conditions is according to natural law; but if marriage is itself conventional, then divorce would be a kind of return to nature. So you don’t have to have a definite view of the naturalness or conventional character of marriage. But Montesquieu questions that, because it would be too shocking to make that statement. Now let us read the first two paragraphs of the next chapter.

Mr. Reinken: “Gundebald, King of Burgundy, decreed, that if a wife or son of a person guilty of robbery did not reveal the crime, they were to become slaves. This was contrary to nature: a wife to inform against her husband! a son to accuse his father! To avenge one criminal action, they ordained another still more criminal.

“The law of Recessuinthus permits the children of the adulteress, or those of her husband, to accuse her, and to put the slaves of the house to the torture. How iniquitous the law, which, to preserve a purity of morals, overturns nature, whence morals take their origin.”

LS: Yes, in other words, here he seems to teach clearly the natural character of the family, and therefore also of the intra-family relations: husbands, wives, parents, children. But the question is, this is not quite an agreement, although it does not formerly contradict what he says in Book I, chapter 2, on natural right. So we cannot decide the question on this ground. Now let us read the paragraph which Mr. Roos especially quoted.

Mr. Reinken: “With pleasure we behold in our theatres a young hero express as much horror against the discovery of his mother-in-law’s guilt—”

^{vi} *Spirit of Laws*, vol. II, bk. XXVI, ch. 23, 59-60.

LS: Well, stepmother's, *belle-mère*. He didn't know that *belle-mère* means both, stepmother and mother-in-law.

Mr. Reinken: “—his stepmother's guilt, as against the guilt itself. In his surprise, though accused, judged, condemned, proscribed, and covered with infamy, he scarcely dares to reflect on the abominable blood whence Phaedra sprang—”

LS: Phaedra was his stepmother.

Mr. Reinken: “—he abandons the most tender object, all that is most dear, all that lies nearest his heart, all that can fill him with rage, to deliver himself up to the unmerited vengeance of the gods. It is nature's voice, the sweetest of all sounds, that inspires us with this pleasure.”^{vii}

LS: Yes, that is a very dark passage. I mean he refers, of course, only to Racine's play, not to the Euripidean play.¹³ To what extent are these the actions of nature? Hippolyte is a man of extreme virtue. And this extreme virtue¹⁴ abhors not only incest, this sexual relation which his stepmother wanted to have with him, but he is even so absolutely decent that he does not tell his father that Phaedra tried to seduce him, which goes much beyond what ordinary virtue would demand.¹⁵ As a consequence of that, his father curses him because he believes that abominable woman.¹⁶ The whole thing ends with Hippolyte's death. And his abandoning the most tender object means he leaves the young woman whom he loves, Arsinoé. The question is simply whether what one finds on the theatres of the French classical drama, whether that is the right place to look for the actions of nature. There was another reference to theaters before. Yes, when he speaks of man's speculative love of severe morality.

Mr. Reinken: P.45, last paragraph: “If I were not treating so grave a subject I should say that this appears remarkably evident in our theatres: we are sure of pleasing the people by sentiments avowed by morality; we are sure of shocking them by those it disapproves.”^{viii}

Student: I want to get to his point. If morality, I looked it up in the dictionary—“character of being in accordance with the principles of right conduct”—now this implies judgment and it also implies a great deal of intellectual endeavor, I don't think morality can be true morality unless it's intelligent, because it's judgment, obviously, being in accord with principles. Now he says, it springs from nature, and—

LS: No, that he says. There is no question about it. And this is in accordance with the traditional view, perhaps with a slight sentimentality more to be found in the eighteenth century than earlier, that morality is according to nature. That's an old story. Now the question is, of course, whether this particular case, that morality must go to this extreme

^{vii} *Spirit of Laws*, vol. II, bk. XXVI, ch. 4, 60-61.

^{viii} In original: “And were I not treating of so grave a subject I should say that this appears remarkably evident in our theatres: we are sure of pleasing the people by sentiments avowed by morality; we are sure of shocking them by those it disapproves.” *Spirit of Laws*, vol. II, bk. XXV, ch. 2, 45.

that one is willing to sacrifice one's life rather than bring out the baseness of the father's wife who is not one's own mother—

Student: It seems very conventional, reputation, honor—

LS: That is what I mean. It throws light, I think, on all the cases where he speaks in this book with relatively little hesitation of natural law, and whether we can take these passages seriously. That is the point, the only question of interest. Now in chapter 5 he speaks of the natural obligation of children—he uses the term “natural obligation” explicitly—to take care of their indigent parents. Now, what about that? He questions that. That is not universally true. The father may have lost the right to be taken care of by his children. There exists a natural obligation of the father to take care of his children. That he admits, but not the other way around. In the next chapter he takes issue with the judgment of Augustine about a famous Roman law, the *lex Voconia*. You can read that, the beginning of Chapter 6.

Mr. Reinken: “The Voconian law ordained that no woman should be left heiress to an estate, not even if she had been an only child. Never was there a law, says St. Augustine, more unjust. A formula of Marculfus treats that custom as impious which deprives daughters of the right of succeeding to the estate of their fathers. Justinian gives the appellation of barbarous to the right which the males had formerly of succeeding in prejudice to the daughters. These notions proceeded from their having considered the right of children to succeed to their father's possessions as a consequence of the law of nature; which it is not.

“The law of nature ordains that fathers shall provide for their children; but it does not oblige them to make them their heirs.”

LS: In other words, the case of property is very different from that of mere upbringing. But the interesting point is, although that is of course compatible with Catholic propriety, that he takes¹⁷ issue [here] for the first time I believe without any qualification with a Church Father with the reputation of [Augustine].¹⁸ But the difficulty comes up, let us read the fourth paragraph from the end of this chapter.

Mr. Reinken: “In countries where polygamy is established, the prince has many children; and the number of them is much greater in some of these countries than in others. There are states where it is impossible for the people to maintain the children of the king. They might therefore make it a law that the crown shall devolve, not on the king's children, but on those of his sister.”^{ix}

LS: This raises an interesting question which is not discussed here at all: is polygamy compatible with natural law? And can we take Montesquieu's silence about the subject as consent? I believe one would have the right to do that, given the fact that according to him in certain climates polygamy is simply dictated by nature. It would not be the business of the natural law to forbid that.

^{ix}*Spirit of Laws*, vol. II, bk. XXVI, ch. 6, 62-63.

Student: He said it was a mark of honor too.

LS: Yes, that could be just prejudice, and could be disregarded by a philosophic writer. But if it is so that nature demands polygamy there, because of the early maturity of women and the greater supply of women, if I remember well—and then the question is, the legislator, the human legislator, would have to decide¹⁹ [whether] it [is] desirable to have so many old maids who may create a difficulty by some nastinesses which they may develop. You know what people say sometimes about this subject. Good. Now let us turn to chapter 7. Read the heading please.

Mr. Reinken: “That we ought not to decide by the Precepts of Religion what belongs only to the Law of Nature.”

LS: Now the precepts of religion, the normal reader at that time would of course think of the precepts of the Christian religion. But this is not the meaning, as you see from the example, at least the last example, Cambyses, the Persian religion. The first, the Abyssinians, after all are Christians; but then the Jews are in the center; and then Cambyses. Now the last sentence is of course absolutely decisive.

Mr. Reinken: “Who does not see that self-defense is a duty superior to every precept?”^x

LS: “belongs to an order superior to all precepts.” Hobbes himself couldn’t have spoken differently. So *la religion*, religion, does not mean Christianity in particular but means anyone. And surely there cannot possibly be a duty to undergo martyrdom. That goes without saying. That’s clear. It is so obvious that he did not even mention it.

Now in the next chapter he turns to canon law, which of course doesn’t have the sacredness of divine law, but still has ecclesiastical authority on its side. Let us read perhaps the second paragraph.

Mr. Reinken: “As the husband may demand a separation by reason of the infidelity of his wife, the wife might formerly demand it, on account of the infidelity of the husband. This custom, contrary to a regulation made in the Roman laws, was introduced into the ecclesiastic court, where nothing was regarded but the maxims of canon law; and indeed, if we consider marriage as a thing merely spiritual, and as relating only to the things of another life, the violation is in both cases the same—”^{xi}

LS: And then of course looking at it politically, humanly, it is greatly different for reasons which have been stated by Mr. Roos. And these political considerations override the spiritual considerations. That is the way in which you understood him, quite rightly. And now let us turn to the next chapter, the beginning.

^x *Spirit of Laws*, vol. II, bk. XXVI, ch. 7, 64.

^{xi} *Spirit of Laws*, vol. II, bk. XXVI ch. 8, 64.

Mr. Reinken: “‘That Things which ought to be regulated by the Principles of civil Law can seldom be regulated by those of Religion.’ The laws of religion have a greater sublimity; the civil laws a greater extent.”

LS: We know by now that this is true of all religious laws, not only of the Christian, or Jewish for that matter, according to Montesquieu. Yes.

Mr. Reinken: “The laws of perfection drawn from religion have more in view the goodness of the person that observes them than of the society in which they are observed; the civil laws on the contrary, have more in view the moral goodness of men in general than that of individuals.”

LS: Mr. Roos rightly pointed out that this is a very vague expression. And in addition it is also in a certain conflict with what he had said when he spoke about virtue as the principle of republican governments, where he had said this is only political virtue, not moral goodness. But what does he mean by it now? Next paragraph.

Mr. Reinken: “Thus, venerable as those ideas are which immediately spring from religion, they ought not always to serve as a first principle to the civil laws; because these have another, the general welfare of society.”

LS: “the general good of society.” How is this connected with natural law, by the way? Well, we start from the right of self-preservation, the supreme consideration. That leads to the demand for peace, because in peace the chances of your preserving yourself are greater than in war. So, therefore, if we want to have peace, we must have habits of peaceableness. Otherwise, we would not be able to keep the peace. These habits of peaceableness and nothing else is moral virtue according to Hobbes. Something of this kind is underlying here. Let us read the next paragraph.

Mr. Reinken: “The Romans made regulations among themselves to preserve the morals of their women; these were political institutions. Upon the establishment of monarchy, they made civil laws on this head, and formed them on the principles of their civil government. When the Christian religion became predominant, the new laws that were then made had less relation to the general rectitude of morals, than to the holiness of marriage—”

LS: Namely in so far as decency, public decency, is important with a view to goodness of human governments. Yes.

Mr. Reinken: “—they had less regard to the union of the two sexes in a civil than in a spiritual state.”

LS: Read the next paragraph.

Mr. Reinken: “At first, by the Roman law, a husband who brought back his wife into his house after she had been found guilty of adultery was punished as an accomplice in her debauch.”

LS: And not out of concern with her spiritual qualities, but in order to have a high standard of public morality conducive to political excellence of the community. That’s the point. Yes.

Mr. Reinken: “Justinian, from other principles—”

LS: No, “in another spirit.”

Mr. Reinken: “—in another spirit, ordained that during the space of two years he might go and take her again out of the monastery.”^{xii}

LS: So, in other words, this concern, a kind of forgiveness which would not have place in the old Roman order. Yes, now let us see. Chapter 13, that was emphasized by Mr. Roos, the importance of this chapter. Let us begin with the heading.

Mr. Reinken: “‘In what Cases, with regard to Marriage, we ought to follow the Laws of Religion; and in what Cases we should follow the civil Laws.’ It has happened in all ages and countries, that religion has been blended with marriages.”

LS: Yes, “*la religion*,” with the definite article. So, in other words, when he speaks of religion he means here *any* religion, as becomes clear from the fact that he says in *all* countries and in *all* times. Good. Yes.

Mr. Reinken: “When certain things have been considered as impure or unlawful, and had nevertheless become necessary, they were obliged to call in religion to legitimate in the one case, and to reprove in others.”

LS: Let us stop here. He speaks in the next paragraph again of all peoples.

Student: What does he mean by “they were obliged?” Who does the “they” refer to? I don’t see any antecedent.

LS: The marriages. It was necessary that the marriages be regulated by civil laws. Let us read the beginning of the third paragraph from the end.

Mr. Reinken: “It follows hence, that the religious law must decide whether the bond be indissoluble or not—”^{xiii}

^{xii} *Spirit of Laws*, vol. II, bk. XXVI, ch. 9, 65.

^{xiii} *Spirit of Laws*, vol. II, bk. XXVI, ch. 12, 67-68.

LS: Yes, this is in one way very polite to Christianity, to say that Christianity has to decide that. But it means also from the point of view of human reason it doesn't make any difference. I take it that is quite clear.

Now there is one question which is very important, a question going back to very early reflection by political philosophers, beginning with Socrates at the latest. And that is the question of incest, where to draw the line between incest and non-incest. The views of peoples have of course greatly differed. Now there is a very interesting discussion of that in this very learned man, Hugo Grotius, *Right of War and Peace*, where he brings all the discussions of the past — as far as they are relevant — together. I do not remember the chapter, but you can easily find it. It must be one of the chapters dealing with marriage. Well, in Plato, in the *Republic*, it is so that incest between parents and children is forbidden in the form of the prohibition of sexual relations between the older and the younger generations, because no one knows his parents strictly speaking. But this means of course that there is no prohibition against incest between brothers and sisters. The same is implied in the discussion in Xenophon's *Memorabilia* in Book III, chapter 4.

Now to lead up to the main point—and this has always been a very difficult problem for the people who did not accept, or were at least not guided by, divine law. After all, the provisions against incest are absolutely fundamental to the family as we know it. And even in polygamous society, of course, the same is true. And now that such a sacred prohibition, felt to be sacred, should not be clear in its cause, in its reason, to human reason, that is quite a difficulty. But the purely philosophic tradition did not regard the prohibitions against incest as sufficiently founded in reason. The reasoning, which is also mentioned by Augustine in the *City of God* somewhere, which the philosophers advanced is this, that you need—that the provisions against incest are necessary lest the families become self-contained. And that would be fatal to the families. The families could not defend themselves. They would be too weak for that. And, also, it would be bad for the society because there would be no links between the various families. The first indication of this way of reasoning which I know is in Plato's *Statesman*.

Now therefore it is very interesting how Montesquieu would settle that. The heading makes clear that he will not speak about the religious laws regarding incest. Now let us read the second paragraph of chapter 14.

Mr. Reinken: “The marriage of the son with the mother confounds the state of things: the son ought to have an unlimited respect for his mother, the wife an unlimited respect for her husband; therefore the marriage of the mother to her son would subvert the natural state of both.”

LS: Yes, now the question of course is what about the other fundamental prohibition, namely of intercourse between father and daughter. Now he gives another reason why the intercourse between mother and son is bad.

Mr. Reinken: “Besides, nature has forwarded in women the time in which they are able to have children, but has retarded it in men; and, for the same reason, women sooner lose

this ability and men later. If the marriage between the mother and the son were permitted, it would almost always be the case that when the husband was capable of entering into the views of nature, the wife would be incapable.

“The marriage between the father and the daughter is contrary to nature, as well as the other; but it is not less contrary because it has not these two obstacles. Thus, the Tartars, who may marry their daughters, never marry their mothers, as we see in the accounts we have of that nation.”

LS: So, in other words, he makes here a subtle distinction between these two kinds of incest, and the question is now to what extent are these prohibitions against incest altogether based on reason. Let me see. Let us read the next paragraph.

Mr. Reinken: “It has ever been the natural duty of fathers to watch over the chastity of their children. Intrusted with the care of their education, they are obliged to preserve the body in the greatest perfection, and the mind from the least corruption; to encourage whatever has a tendency to inspire them with virtuous desires, and to nourish a becoming tenderness. Fathers, always employed in preserving the morals of their children, must have a natural aversion to everything that can render them corrupt. Marriage, you will say, is not a corruption; but before marriage they must speak, they must make their persons beloved, they must seduce; it is this seduction which ought to inspire us with horror.”

LS: So, in other words, it is only this aspect of the thing, what he calls here seduction, which caused, and must have caused, that horror.²⁰ But the question is: is this a good enough reason for forbidding *marriage* between a father and daughter? This speaks decisively against an illicit or outside of the law relation, but what about marriage? That’s a great question. Now the argument used—and Montesquieu I believe discusses it somewhere, probably in the *Persian Letters* but I do not remember—[is] the argument which was implied in what he said in the second paragraph of this chapter, the wife owes a respect without limitations to her husband. The intercourse between parents and children is morally unbearable because it is incompatible with the respect which children owe to their parents. I’m speaking now, of course, of sexually mature children. And the argument which was made either by Montesquieu in the *Spirit of Laws* or by Rousseau somewhere is this: just as the wife is supposed to have an unlimited respect for her husband despite the fact of sexual relations, why should this not also be true between father and daughter? But this would need a long discussion, and the study of this chapter alone would not suffice.

Student: Well doesn’t he put it on customary grounds? I was bothered by that too. He doesn’t seem to put it on the strongest ground possible.

LS: Yes, well the question is, with this notion of natural right which he sketched in the second chapter of the First Book and which is not truly contradicted anywhere in the whole work, what kind of rational justification of the prohibition against incest can be found?

Same Student: Well in 22 when he talks about the Inca.

LS: But that is another—

Same Student: Well it's sort of indicative of his whole—

LS: The fact that some prohibitions of incest, especially those between parents and children, are almost everywhere enforced creates a prejudice in favor of the opinion that these are natural prohibitions, but it does not quite settle it.²¹ But it does not quite settle it. One would have to go deeper into the whole relations. Later on in this chapter, “The principle that marriage between fathers and children, brothers and sisters, are forbidden by the conservation of natural shame—”

Mr. Reinken: “—natural modesty in the house will help us to the discovery of those marriages that are forbidden by the law of nature, and of those which can be so only by the civil law.”^{xiv}

LS: Yes, so in other words, it all depends on²² natural modesty. That is at least the link up which he suggests here. That is the ultimate basis, natural modesty, and this applies more to women than to men, as we have seen. But it is not the principle of natural modesty alone, but the conservation of natural modesty among people living together in the house which is the more precise reason. There is one more point which we must not forget under any circumstances, the beginning of chapter 15, because that is a very broad point.

Mr. Reinken: “As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.”

LS: So, in other words, that is a very common view, best known from Hobbes, Locke, and so on. Men are by nature independent, in the state of nature, and have no—and all goods are in common. Civil society means abandonment of natural independence and of the natural community of goods.

Student: But he puts property under community and civil law, rather than political; and in my chapter 31 he talks all about that property should be regulated by the state for its own particular good.

LS: Yes, he spoke of that. There is an ultimate dependence on the political considerations, political usefulness. Let us first read the next paragraph.

Mr. Reinken: “By the first they acquired liberty; by the second, property. We should not decide—”^{xv}

^{xiv} *Spirit of Laws*, vol. II, bk. XXVI, ch. 14, 69-71.

^{xv} *Spirit of Laws*, vol. II, bk. XXVI, ch. 15, 72.

LS: Now let us leave it only here. Natural independence which men have by nature is transformed in civil society into liberty, and the law regarding liberty is political right. The natural community of goods is transformed in civil society into property, private property, and this private property is the business of civil law.

Now this is a long question, and this leads to the sanctity of private property. It must not be interfered with on political grounds, as he says later on in the chapter. But this is subject to reasonable qualifications. There remains the right of eminent domain. If a great public interest is at stake, it is possible for society to confiscate property, but to indemnify the proprietor. And surely there are various kinds of properties. I mean, for example, if property is inseparable from military service, say you have a cavalry as the chief force—must possess horse, must have the necessary piece of land to afford the horse, and so on—then this is a kind of special property which is not merely your private property to use or misuse, but is in a way public property, or at least something to be regulated by political law. Is this also in this chapter where he speaks of the ostracism?

Student: No, that's chapter 17.

LS: But in this Book?

Same Student: Yes.

LS: There he defends a quite extraordinary interference with the right of cities on political grounds, a kind of banishment due not to any crime or subversive action of the citizen, but to his virtues. He's too popular because of his virtues, and that creates some difficulties in certain kinds of republics. Of course, the state takes care of this by ostracizing him, by banishing him to get rid of this difficulty. Aristotle himself defends it to some extent, although he says ultimately it's a disgrace that they must expel the best man, but such is politics. Good.

¹ Deleted "that."

² Deleted "the."

³ Deleted "and."

⁴ Moved "now."

⁵ Deleted "Now."

⁶ Moved "in Montesquieu frequently."

⁷ Deleted "I.e.."

⁸ Deleted "And."

⁹ Deleted "But."

¹⁰ Deleted "and."

¹¹ Deleted “and he says.”

¹² Deleted “thought.”

¹³ Deleted “And.”

¹⁴ Deleted “which.”

¹⁵ Deleted “And.”

¹⁶ Deleted “And.”

¹⁷ Moved “here.”

¹⁸ Deleted “Thomas Aquinas.”

¹⁹ Moved “is.”

²⁰ Deleted “Now.”

²¹ Deleted “It.”

²² Deleted “the.”

Session 7: April 18, 1966

LS: I will now raise only one question. When you spoke about the connection between Book's XXVII following and the preceding books, you said they illustrate his principles. And that is surely true. But what is the connection? After all, the other books also illustrated his principles—I mean, say, the books on commerce for example? What is the precise kind of illustration of his principles?

Student: I'm not sure. It seemed to me that in these two particular books, or these two particular nations, he drew those which were most important to him.

LS: You mean here he limited himself to these two legal systems, the French and the Roman; whereas in the other cases he took examples from any legal system whatever known to him?

Same Student: That would be my understanding.

LS: So the other Books would be more sociological, in quotations, concerned with universals of sorts; whereas here he follows the individual legal system in its growth.

Same Student: And this would be the reason that you find a more careful historicism here than you would in the others.

LS: Why I raise this question is this: what does history mean? That is a question which is so crucially important for us today, because all¹ deeper and more serious thought in our age does have this peculiar quality which is enigmatically and superficially intelligibly called historical, which it lacked in the past. Yes.

Student: I thought that the change that took place when he went to the historical Books broke into two aspects. All the previous examples were what they call static—

LS: Then you would have to know the difference between static and dynamic—

Student: Static being—at some time, the rabbit and the dog are observed together. He uses the examples there as illustrations, just a little bit of example, and his main concern is the relation.

LS: And the contrary is when the dog chases the rabbit. Is that it? But still I would say that he's still universal. For example,² dynamics in physics is not more nor less universal than statics. Why should in the understanding of human affairs the dynamic understanding be historical whereas the static may be non-historical? To illustrate it, Lucretius gives in his famous book, poem, a survey of the development of human civilization without any proper names, and presenting it as a development which will occur and has occurred infinitely many times in any universe which ever was and which ever will be. So you have here a dynamic account which is in no way historical.

Let us begin from the surface of the matter. Now these books are surely historical books, just as XXX and XXXI and to some extent already Book XXI, as you will remember, a Book on the history of commerce. But these historical books are a part of a work of political philosophy. And political philosophy is as such not historical. We can read Aristotle's *Politics*—some of you have already—or whatever else you take, they are not historical books. Not even Machiavelli's *Discourses on Livy*, which seem to be historical, are not in fact historical.

Now at a certain moment, let us say in the early nineteenth century, there emerged a school called the historical school, especially of jurisprudence, and that happened in Germany. I quote to you something from Montesquieu's manuscripts which is quoted by this editor on page 2, note 1: "There are principal laws and accessory laws. And in every country there forms itself a kind of generation of laws. The peoples, like every individual, have a sequence of ideas, and their total manner of thinking, just as that of every individual, has a beginning, a middle, and an end." Now what is here intimated or indicated by Montesquieu is something which was later on called in German the folk mind, the *Volksgeist*. Just as there is a mind of an individual, there is a mind of a people. And that was the idea underlying the historical jurisprudence. Now there is no such thing like a folk mind as a fundamental conception underlying the pre-historical jurisprudence.

We have seen the genesis of this concept to some extent in Book XIX, as you will remember, the general spirit of a nation. But here the general spirit of a nation was understood as a resultant of "n" factors. They come together accidentally. Of course there is no teleology in that. And then there is a general spirit of a nation, its quasi-natural genius, as he calls it. And this will of course be modified all the time by new accidents arising. Whereas the concept of the folk mind as here indicated, as a beginning, a middle, and an end, that seems to be a true unity, a true whole.

Now I remind you very briefly of the classical view. Aristotle says poetry is more philosophic than history. And there is no distinction made here between philosophy and science. So we can also say poetry is more scientific than history. History is simply the record of events in their sequence—this, and then this, and then this; and maybe this is the cause of this. But this is not very interesting. What the poet does is that he presents a simplification of what has happened, a simplification and therefore something much more interesting than what the historian would tell us. Read, say, Shakespeare's *King John*. And I just read again a very conventional account of the reign of King John. The enormous difference—Shakespeare omits many very important things, there is no doubt about that; but you learn something reading *King John* which you do not learn in a comparable way from history.

So the older view: philosophy is here; there is poetry; there is history. That doesn't mean that philosophy or political philosophy is incompatible with historical studies, of course not. The same Aristotle who makes this remark is known for having collected the 158 *politeia*. So it is of some use, but of a strictly subordinate use. You have to collect these things, and then you have to apply judgment. And that is no longer a matter for the

historians. That is the nasty view, but a clear view, which Aristotle has. Now if you take in Plato the Third Book of the *Laws*, which is the closest approximation to an historical account in Plato, a brief sketch of what happened to men between the deluge—because the Greeks also had such stories of a deluge—the deluge and say present-day Sparta and present-day Crete. But why does he make [it] here? That is perfectly clear from the context. The *Laws* are a practical book, a conversation about a Spartan Cretan colony to be founded. And therefore if you want to act on this particular community, then you have to know its character and its pre-history. I don't say that is the whole story of the Third Book of Plato's *Laws*, but that's an important part of it. We have to raise the question what is the connection between the massively historical Books and the philosophic Books in the *Spirit of Laws*. But Mr. Shulsky, I prevented you from speaking.

Mr. Shulsky: Well wouldn't Aristotle also use historical examples?

LS: That's clear. That doesn't create any problems.

Mr. Shulsky: But isn't that in a sense what is happening here, examples of the general principles?

LS: Not quite, not quite. Let us be precise. If you take a biologist, even a present-day biologist, and he tries to find out and he uses these abominable things on dogs, as you know also, or these lovely creatures, lambs. Now he has, say, "n" dogs. Each has its peculiar character and its peculiar life history, and you can trace it back through a pedigree. And yet³ [each dog] is for him only an example of something general. And even if he finds something peculiar about this dog, say something in the stomach which he has never seen in the stomach, yet this will only give rise to a general question,⁴ is there a possibility in the doggish nature of living with this thing in the stomach, no longer dog "x" or "y."

Now the same can of course be done with human things, with laws, with battles, or what have you as well. So this isn't sufficient. Now I would like to read to you a statement of a great expert in these matters, namely Edmund Burke in his *Abridgement of English History*. The last chapter is a fragment, "An Essay Towards the History of the Laws of England": "There is scarce any object of curiosity more rational than the origins, the progress, and the various revolutions of human laws. Political and military relations [meaning accounts of these] are for the greater part accounts of the ambition and violence of mankind. This [the history of laws] is a history of their justice," —and therefore much more worthy of consideration than military and political history. Now this could have been said by anyone before. "These certainly were great encouragements to the study of historical jurisprudence [here you have that word, "historical jurisprudence"], particularly of our own. Nor was there a want of materials, or help, for such an undertaking. Yet we have had few attempts in that province. Lord Chief Justice Hale's *History of the Common Law* is I think the only one, good or bad, which we have. But with all the deference justly due to so great a name we may venture to assert, that this performance is wholly

unworthy of the high reputation of its author.”ⁱ In other words, Burke, not a negligible witness in this matter, says there is not yet a historical jurisprudence of the English law.

And that was radically changed in the nineteenth century where the historical school, where the great names are in Germany Savigny,ⁱⁱ in France Foustel de Coulanges,ⁱⁱⁱ and in England Sir Henry Sumner Maine.^{iv} In our lifetime there was Sir William Holdesworth, *History of the English Laws*.^v Today that is absolutely recognized and very well cultivated. That is a novel thing. I mean, antiquarians, they always existed, who wrote down all strange things. But they were not regarded as thinking men, only as recorders. That was all right.

Now to illustrate I will read you another passage from Burke from the same writing. “But they are all worthy of attention, not only such monuments often clear up the darkness and supply the defects of history, but they open a noble field of speculation for those who study the changes which have happened in the manners, opinions, and sciences of men and who think them as worthy of regard as the fortune of wars and the revolutions of kingdoms.” Well today that does no longer need a justification, that you should have a history of the manners, opinions, and sciences of man. Many people dedicate their lives to this study which is rewarded not only by applause but even financially. But⁵ Burke still has to make this defense here. Of course that has a pre=history. Francis Bacon is very important in this respect. But it shows also this thing. In the Western tradition, history was primarily political and military history. And even today you can see it from the fact that if a fellow says he is an historian it means of course he is a political historian. If he is otherwise, he would say historian of art, historian of science, and so on. So history *tout court*, by itself, is political history. And of course what Montesquieu does in these Books is no longer political history, but is historical jurisprudence.

Now I stated this only that we remind ourselves of the important problem which we have. And the eighteenth century is decisive to that extent because here you have such men as Montesquieu in France and before him Vico in Italy who made history philosophically important. That history had some sub-philosophic importance was always known and was never a problem. But that it becomes philosophically important, that is the important thing. And Vico and Montesquieu are perhaps the greatest names before the nineteenth century when this great historical movement started all over Europe. Yes.

ⁱ Burke, Edmund. *Abridgement of English History*, Chapter IX beginning; Strauss reads from pages 412-13, of the Bohn edition, vol. 6.

ⁱⁱ Friedrich Carl von Savigny (1779-1861), author of *Das Recht des Besitzes* (published 1803; translated as *The law of possession*). *Geschichte des römischen Rechts im Mittelalter* (1815-31; *History of Roman Law in the Middle Ages*).

ⁱⁱⁱ Numa Denys Fustel de Coulanges (1830-89), author of *La Cité antique* (1864; *The Ancient City*) and *Histoire des institutions politiques de l'ancienne France* (1875-91; *History of the Political Institutions of Ancient France*).

^{iv} Henry Sumner Maine (1822-88), author of *Ancient Law* (1861) and *Lectures on the Early History of Institutions* (1875).

^v Sir William Searle Holdesworth, 1871-1944, author of *History of the English Laws* (1903-66).

Student: Could you restate the presuppositions of historical jurisprudence?

LS: No, I didn't state them. I only stated that this was something new. And the question is, how come? Well externally the textbook version probably is this. The historical jurisprudence emerged in opposition to the French Revolution and to the theories accompanying it. And the French Revolution, as everybody knows, started from an "abstract," universally valid natural law: these and these [are]⁶ the right order of society. And the historical school which was chiefly conservative politically—i.e., not enthusiastic about the principles of 1789⁷—they said the laws have to be in agreement, or the institutions have to be in agreement, with the folk mind of this particular nation. So what is good for France maybe is not good for England, and so on.

Otherwise stated, natural law—because that was of course generalized—natural law, without making here a nice distinction between modern and pre-modern natural law, natural law is misleading. For each community there must be a particular law, formula: the rights of Englishmen versus the rights of men. Have you heard such a formula? That in a very crude way is an indication of what the historical school was about. Now in order to get the proper law of the English or the proper qualification of English laws, the proper amelioration, progress of English law, you have to enter into the spirit of the *English* law—do you see that?—and natural law wouldn't be of any help.

That this leads to great difficulties, because these people still have to distinguish between just and unjust laws and it is hard to say that the very principles of justice should differ from country to country, we know that. But I can only say that some change of this kind is characteristic of the whole nineteenth century and, of course, the twentieth century. And a proper philosophic justification, which overcomes these patent logical difficulties, was not effected in my opinion before Heidegger. That is his great significance. But we may speak about that on another occasion. Here Mr. Schaeffer is nervous.

Mr. Schaeffer: I'm trying to understand the difference between what the presuppositions of this historical jurisprudence are and what Plato does in the *Laws* or Aristotle's statement that perhaps justice varies from country to country.

LS: I didn't say a word about these presuppositions. I only tried to state in a very elementary way the problem.

Mr. Schaeffer: I mean the difference between this and the old—

LS: Today everyone except a few people in Chicago and other places takes this historical way of thinking as a matter of course. Men up to the eighteenth century—I mean that is what the better people said, I will not speak of what the worse people said—up to about 1750 everyone was blind to a whole dimension of reality called History with a capital "H." And then this gradually dawned upon men, and what the Germans called the historical consciousness, the awareness of history as history, emerged and became ever more powerful.

So, therefore, what Plato and Aristotle did and others is obsolete from the very beginning, because they lacked the knowledge of this dimension. This doesn't mean that they were merely old fogies. They did very well indeed. But they were deceived about what they were doing. They believed they presented the rational teaching regarding the polis, regarding the state—that's the usual way of understanding it—in fact, they only stated the fundamental assumptions, the prejudices of the Greeks, and articulated them, which was a very great achievement, but which of course has no validity strictly speaking beyond the city-state. Have you never heard this kind of thing? Have you never read Dewey, for example, I mean not Thomas Dewey but John Dewey?

Mr. Schaeffer: The difference between that and what Plato does in giving the history you mentioned in the *Laws*, or Aristotle's statement that justice varies from country to country, did not Plato in giving that history suggest that you have to take account of the particular circumstances—

LS: Yes, for the practitioner that goes without saying. Just as if you treat a sick man, a doctor, he has of course to know the medical history of that individual, which differs from that of any other individual. Sure, but the science itself, says human pathology, never deals with individuals except illustrations: there was this Mrs. "xy" who once had this particular carbuncle at the pit of her stomach. But that is, of course, only for purposes so that people can check if they don't believe him that this thing did happen. But she is as such as wholly uninteresting as the individual dog is. Take a simple example, what the dog means to the dog owner, who loves dogs, and what he means to the biologist. The dog owner doesn't want to exchange this dog even for a more beautiful one. But for the biologist he is just one exemplar among millions. You must start from this simple thing to understand why such a great change has taken place.

Student: I think part of the confusion comes from the fact that the reasons you gave at the beginning how this developed, that it developed as a reaction to the French Revolution, don't seem somehow sufficient to bring about this big change. In other words, one could have reacted to the absolutism of the French Revolution—

LS: by restoring the old natural law tradition.

Student: Or just by introducing the flexibility at the practical level.

LS: Sure, but I explicitly told you I give you a vulgar version at the beginning, which is insufficient. But since this question seems to be of interest to you, I would like now to say some more general things before I turn to the text of Montesquieu.

Today we are confronted with this situation, of course also in political science but more visible in philosophy. It is an unfortunate situation that philosophy is more concerned with the fundamental questions than the other sciences are. How can I state it? The older view was that philosophy, or science, is a quest for the truth period, for the unchangeable truth, say about virtue, about the best political order, about the universe. The historicist's

view is that this quest is fundamentally wrong, because of the essential relativity of human thought to historical epochs, periods, or what have you. The truth itself is variable. Now this view you find of course on all levels—high, medium, low and gutter. That goes without saying, but I do not go now into this difference.

Now, all right, we are confronted with this situation as simple people, and want to see what is the right view, the older view or the modern view. With all due respect for modern progress, we should not be simply impressed by what is more powerful today. That is unworthy of thinking people. So we want to see the two sides of the issue. And therefore we have to understand both the present-day view, if possible on the highest level, and the alternative view, if possible also on the highest level. Does this make sense? And that is the reason why such a thinker like Montesquieu is of particular importance to us. Now one thing one can say which follows from the mere fact that this historical way of thinking emerged only since the eighteenth century, [is] that historicism, if I may now be permitted to use this term, is connected with modernity. Now, of course, Mr. Schaeffer and Mr. Shulsky rightly say, what is that? Now when we go back to the beginnings of modern thought, to Machiavelli, we see that the orientation by how men ought to live was replaced by the orientation of how men do live. This has in itself nothing to do yet with historical consciousness in our sense, but it is a condition, a first step.

According to the classical view, the best regime, the theme of political philosophy, the actualization of the best regime depends on chance. You have read that in the *Republic* or in Aristotle's *Politics*. Things must come together which do not necessarily come together. Take again the best known example, philosophy and political power. They can come together. There is no intrinsic impossibility in that; but also there is no necessity.

Now what men like Machiavelli and his followers wanted was to discover a kind of regime which is not dependent, at least not in the same degree, on chance as far as its actualization is concerned, in the extreme case, a regime the actualization of which is necessary, the opposite of chance. Now if there is such a thing as the best order the actualization of which is necessary, then this process of actualization of the sound, the reasonable, the rational is of tremendous importance. And that is the historical process. This becomes of crucial importance, and that is of course relatively late but still very important. But prior to that there existed already what we mentioned on a former occasion, the natural constitutional law, the just order independent of place and time, which is not quite the same thing as what Plato and Aristotle meant by the best regime, but has a certain kinship with that.

Now we have seen that Montesquieu questioned that, that there is a political order which is just or good independent of place and time. The emphasis in Montesquieu is on the great variety of circumstances, which makes it impossible to give a simple answer to this question. What is good for a given country depends also on its present state, which in its turn is a product of its past. And therefore historical studies are necessary in order to act wisely there.

A deeper premise comes to sight in an earlier statement which I have more than once quoted in my classes. Some of you will know it therefore. In Spinoza's *Theological-Political Treatise*, chapter 4, at the beginning: "The name 'law,' generally unqualifiedly taken, signifies that according to which every individual, or all individuals, or some of the same species act in one and the same certain and determinate manner. And this manner depends either from the necessity of nature or from the decision of human beings." Spinoza is here tacitly using the distinction between nature and convention. Some of our actions are determined by nature, say digestion, other actions are determined by law, custom, ultimately by convention. And then he gives examples for it. "Now absolutely taken everything is determined by universal law of nature toward existing and operating in a certain and determinate manner. Nevertheless, I believe one can speak that some of these laws depend on human decisions." What does this mean? Ultimately this: everything is natural. That tribe "a" in central Africa has this particular mode of brushing their hair and tribe "b" has a different mode is due to a natural necessity as much as the falling of a stone, or whatever it is. The distinction between nature and convention has no longer a fundamental status. It has a certain practical usefulness which it will always retain, but it loses its philosophic significance. Everything is natural, which under the name "naturalism" is today quite well known. There was even a book with that title, a collected book brought out some decades ago which I have read.

Now back to Montesquieu. In a passage which we have read more than once, in Book XIV, chapter 10, end. Do you remember that? You will remember that immediately. I don't have it here now. The main point is that Montesquieu describes here what would have been called conventions in former times as the product of the climate. You have that, read it.

Mr. Reinken: Page 229, in our edition. "It is the different kinds of wants in different climates that first gave rise to a difference in the manner of living. And these different manners of living have formed the laws, the different kinds of laws. Where people are very communicative there must be particular laws, and others where there is but little communication."^{vi}

LS: Yes, I mean this is a consequence of what Spinoza said. Now there is of course a difficulty which exists also for Spinoza himself, that nature effects, produces as it were, conventions, or what it means in Montesquieu—it shows the ambiguity—the proper, the right kind of conventions, that is here implied, that is unfortunately not universally true because some laws, some conventions, are crazy and are even harmful for these people given these climatic and other conditions. And here we come to the power of superstition. You remember also the passage in Montesquieu about that. Yet this doesn't affect the fundamental situation, because superstition, which means of course always this or that kind of superstition, is necessary. It is necessary that tribe "a" which do this crazy thing with their hair should have superstition "x" and those who do the other things should have superstition "y," and so on.

^{vi} In original: "It is the variety of wants in different climates that first occasioned a difference in the manner of living, and this gave rise to a variety of laws." *Spirit of Laws*, vol. I, bk. XIV, ch. 10, 229.

Now just as superstition, so also knowledge of the truth is necessary under certain conditions. All these are natural processes. They are necessary and accidental, meaning not teleological. They are necessary in the way that any matter falling down falls. And the implication here is this, which is not necessary but which plays a great role: these processes, these necessary and accidental processes by which all human institutions, laws, and what have you are produced have fundamentally the character of the by-and-by, not the sudden. *Natura non facit saltus*, nature doesn't make any leaps, was an old expression. Now if this is true of nature in general, it will of course be true also of these things which come about through human nature.

Here I have references to two passages in today's assignments: in Book XXVIII, chapter 39, third paragraph.

Mr. Reinken: Page 146, bottom. "Thus the Institutions produced effects which could hardly be expected from a masterpiece of legislation."

LS: A masterpiece of legislation would be one thought out by the legislator after mature reflection and deliberation with the best minds present or past. But these excellent effects do not stem from that. Yes.

Mr. Reinken: "To prepare great changes whole ages are sometimes requisite; the events ripen, and the revolutions follow."^{vii}

LS: Yes, now let us read another passage in chapter 43, first paragraph.

Mr. Reinken: "Thus there was no law to prohibit the lords from holding their courts themselves; none to abolish the functions of their peers; none to ordain the creation of bailiffs; none to give them the power of judging. All this was effected insensibly—"

LS: "*peu à peu*," by and by.

Mr. Reinken: "—little by little, and by the very necessity of the thing. The knowledge of the Roman law, the decrees of the courts, the new digest of the customs, required a study of which the nobility and illiterate people were incapable."^{viii}

LS: So, in other words, some accidents which happen, but which by their combined effect brought about something which no one could ever have predicted, and this is now the implication in this early stage; and this is superior to anything which practical reason as such would have been able to do. Now Burke has given very beautiful statements of this principle in a somewhat different context, and we also know it from some very impressive statements of Macaulay. You see, these things make then very much practical sense. But the theoretical foundation is concealed by the practical wisdom here. What happened⁸ is indicated—that is, of course, quite insufficient for an adequate analysis—

^{vii} *Spirit of Laws*, vol. II, bk. XVIII, ch. 39, 146-47.

^{viii} *Spirit of Laws*, vol. II, bk. XVIII, ch. 43, 151.

this abolition of the distinction between nature, between the natural and the positive, between nature and convention. The positive is in its way as natural as the natural. Yes, Mr. Shulsky.

Mr. Shulsky: You said before that the superstitions are in a sense natural. They result naturally from whatever the circumstances are. And the knowledge of the truth, which presumably Montesquieu has, comes about because of whatever the circumstances were then. But what's the criteria for this being the truth, then? It seems that he doesn't have anything, that would enable him to say, I know the truth that anyone living under superstition wouldn't have. I mean it could be that the person who because of his natural situation was superstitious would also of course believe that superstition to be the truth.

LS: Yes, that is true, but what—

Mr. Shulsky: So, how can Montesquieu claim to know, not only that his knowledge of the truth is within the natural process, but somehow that he stands above the natural process and can see, well right here where I happen to be is the knowledge of the truth.

LS: Well, in this stage that was very simple. There was some notion that there are criteria of truth presented by logic, whether Aristotelian or Baconian doesn't make any difference in this respect. And this shows us that an explanation, say, a miracle as understood by religious or superstitious people and as interpreted by a mere scientist as scientist. The scientific explanation complies with the requirements of logic, the miraculous does not. How, in other words, [would] logic⁹ be related to the historical process? I think the answer would be this: logic is in itself transhistorical. That was no problem in these earlier stages. In the more refined versions as we have them today that becomes a question, when there is no longer admitted that there is anything which is strictly speaking transhistorical. Take again a very crude sign. Somewhere in Heidegger's first book there occurs this sentence: "That every science is dependent on the *weltanschauung* of its age goes without saying." One hundred years before it didn't go without saying at all. Even today there are quite a few people who doubt that. But so deeply has this—and of course if this is true of every science, I suppose it is also true of logic. And then there are great difficulties which didn't arise in this more simple age. Good.

Now let us see whether there are a few passages which we should consider. Let us turn to—yes, it is hard to find one's way in this chapter. Do you have page 16, the third paragraph?

Mr. Reinken: "The Voconian law was made to prevent women from getting too rich. Thus it was necessary to deprive them of overlarge inheritances, and not of those which could not maintain luxury. The law fixed a certain sum which could be given to women before it deprived them of succession. Cicero, who teaches us this fact, does not tell us what that sum was, but Dion says that it was 100,000 sesterces."^{ix}

^{ix} In original: "The Voconian law was made to hinder women from growing too wealthy; for this end it was necessary to deprive them of large inheritances, and not of such as were incapable of supporting luxury. The law fixed a certain sum to be given to the women whom it deprived of

LS: A little bit later on page 19. “It is a misery of the human condition that the legislators are obliged to make laws which fight the very natural sentiments. Such was the Voconian law.”^x

Mr. Reinken: Page 88, last paragraph.

LS: So here you see a conflict between morality and legality, between men’s natural sentiments and the needs of the state. This cannot be changed. The question is, does one follow nature by following the natural sentiments in regard to successions. That is at the end of this Book, the last paragraph.

Mr. Reinken: Page 91, top. “The same causes which had debilitated the law against the succession of women subverted that, by degrees, which had limited the succession of the relatives on the woman’s side. These laws were extremely conformable to the spirit of a good republic, where they ought to have such an influence, as to prevent this sex from rendering either the possession, or the expectation of wealth, an instrument of luxury. On the contrary, the luxury of a monarchy rendering marriage expensive and costly, it ought to be there encouraged, both by the riches which women may bestow, and by the hope of the inheritances it is in their power to procure.”

LS: Now he speaks about other changes and then finally, “the Emperor Justinian”

Mr. Reinken: “—left not the least vestige of the ancient right of successions: he established three orders of heirs, the descendants, the ascendants, and the collaterals, without any distinction between the males and females; between the relatives on the woman’s side, and those on the male side; and abrogated all of this kind, which were still in force: he believed that he followed nature, even in deviating from what he called the embarrassments of the ancient jurisprudence.”^{xi}

LS: “he believed to follow nature,” in other words, this simplification in treating males and females, for example, as perfectly equal—that the fathers may love his daughters as much or more than the sons is a natural sentiment, but that doesn’t mean that he is still following nature. This is one great point in this chapter. A few more passages, the fourth paragraph from the end.

Mr. Reinken: Page 90, paragraph 3. “Rome, corrupted by the riches of every nation, had changed her manners; the putting a stop to the luxury of women was no longer minded.”

LS: Read the next paragraph.

succession. Cicero, from whom we have this particular, does not tell us what was the sum; but by Dio we are informed it was a hundred thousand sisterces.” *Spirit of Laws*, vol. II, bk. XVII, ch. 1, 86.

^x *Spirit of Laws*, vol. II, bk. SVII, ch. 1, 88; Strauss’s own translation.

^{xi} *Spirit of Laws*, vol. II, bk. XVII, ch. 1, 91.

Mr. Reinken: “The ancient laws of Rome began to be thought severe. The pretors were no longer moved except by reasons of equity, moderation, and decorum.”^{xii}

LS: Is this not interesting, and throws a light on Montesquieu’s sense of the great difficulties? The original Roman laws, which he had praised so much because of their political wisdom leading to virtue, are inequitable, as becomes here rather clear. But, as appears in the last paragraph of this chapter, these were in accordance with the requirements of virtue. Virtue demands great sacrifices, sacrifices of natural sentiments, a point later on developed with much less hesitation by Rousseau. Now let us now turn to Book XXVIII, and try to understand as much as we can.

You see it is one of the very few Books that has a kind of motto. This time it is the beginning of Ovid’s *Metamorphoses*. Well, I hesitate to interpret it, but it makes the metamorphosis of the laws, of the French laws which he will discuss here, meaning that new forms—like the metamorphosis of a man into a dog or any other such great changes, amazing changes of nature as it were—of such changes he will give us an account. What do you want to say?

Student: I just wanted to ask a question of the historicists versus . . . could it have been some of the problem that practice and theory were divorced—

LS: You must speak a bit louder.

Same Student: Could it have been that one aspect of the reason why the historicists gained the upper hand was that among the great thinkers there wasn’t enough effort put forth on practice, on giving advice?

LS: That is an old story. The practitioners, the politicians, complained about these armchair people—that is an old story, that’s nothing new.

Same Student: Then on the other hand, didn’t the philosophers overstate their case, that is, that they didn’t accept any conditioning whatsoever, so that when these men—

LS: That may have . . . doctrinairish philosopher. There is no doubt about that. But this is not of the essence of the matter. What is true in that is this, that the doctrines of these modern men like Hobbes, Locke, and Rousseau, to mention the three greatest names, these doctrines are open to the objection which you made. And this made the case for the historical school very powerful, this defect. But the point was that the older philosophy, say Aristotle to mention the most famous example, was not open to this objection. The plausible justification on the surface is of course that the reigning school prior to the historical school was this modern natural law school, and this was inadequate—that is perfectly clear. But the arguments would not carry any weight against Aristotle. That is not sufficient. Now let us turn to chapter one, the beginning of the second paragraph.

^{xii} *Spirit of Laws*, vol. II, bk. XVII, ch. 1, 90.

Mr. Reinken: “There is an admirable simplicity in the Salic and Ripuarian laws, as well as in those of the Alemans, Bavarians, Thuringians, and Frisians. They breathe an original coarseness and a spirit which no change or corruption of manners had weakened.”

LS: Oh no, no: “and a spirit which had not been weakened by another spirit.” Now this admiration for original rudeness—do you know something about that from your college, high school teaching, or your own readings? Romanticism. But the question is, does Montesquieu mean it in a romantic way.

Student: Surely, that other spirit—he has a very specific one in mind.

LS: I think so. Namely?

Same Student: The Christian Church.

LS: Yes, I believe that is indeed what he means, and what would be shown by the sequel very easily. For example, at the end of the next paragraph when he speaks of the Visigoths:

Mr. Reinken: “The kings, indeed, of the first race struck out of the Salic and Ripuarian laws—”

LS: No, the end of the preceding paragraph.

Mr. Reinken: “It was not so with the laws of the Visigoths; their kings new-molded them, and had them also new-molded by the clergy. The kings, indeed, of the first race [the Merovingians] struck out of the Salic and Ripuarian laws whatever was absolutely inconsistent with Christianity, but left the main part untouched: This cannot be said of the laws of the Visigoths.”^{xiii}

LS: Those laws had been remolded by the clergy—that is, I think, what he means. There is much more evidence for that, but we can’t read that now. Let us read the heading of the next chapter.

Mr. Reinken: “That the Laws of the Barbarians were all personal.”

Student: Yes; that was made very clear by Mr. W., in his paper what this means. In chapter 4 he explains that the clergy were in favor of the Roman law, namely the Roman law which was the work of the Christian emperors. So this is a theme which goes throughout the book. Let us read in chapter 4 the third paragraph.

Mr. Reinken: “In the country subject to the Franks the Salic law was established for the Franks, and the Theodosian code for the Romans. In that subject to the Visigoths, a compilation of the Theodosian code, made by order of Alaric, regulated disputes among

^{xiii} *Spirit of Laws*, vol. II, bk. XVIII, ch. 1, 93.

the Romans; and the national customs, which Euric caused to be reduced to writing, determined those among the Visigoths. But how comes it, some will say, that the Salic laws gained almost a general authority in the country of the Franks, and the Roman law gradually declined; whilst in the jurisdiction of the Visigoths the Roman law spread itself, and obtained at last a general sway?

“My answer is, that the Roman law came to be disused among the Franks because of the great advantages accruing from being a Frank, a barbarian, or a person living under the Salic law; everyone, in that case, readily quitting the Roman to live under the Salic law. The clergy alone retained it, as a change would be of no advantage to them. The difference of conditions and ranks consisted only in the largeness of the composition, as I shall show in another place. Now particular laws allowed the clergy as favorable compositions as those of the Franks, for which reason they retained the Roman law. This law brought no hardships upon them; and in other respects it was properest for them, as it was the work of Christian emperors.”^{xiv}

LS: Yes, now this goes throughout the point. I read to you here regarding chapter 9 the following note of this editor: “Reading Montesquieu one would believe that the Church was responsible for the loss of authority by the Capitularies in general. In fact, the central power having been weakened . . . and the canonic law resulting from the canons of the councils . . . of the Popes alone ruled the juridic life of the Church, an autonomous society independent of the civil power in this domain.” In other words, he indicates that Montesquieu has this anti-ecclesiastical tendency which goes through the whole thing. Chapters 13 up to 41 form a unity. In this edition a plan was given at the beginning, the work of the editor. The procedure and the proofs before tribunals from the barbarian invasions until the judiciary reforms of St. Louis—this is the bulk of Book XXVIII. Now we cannot possibly read everything. Let us turn to chapter 15, only the end of this brief chapter.

Mr. Reinken: “I speak only of the general spirit of the laws of the Germans, of their nature and origin; I speak of the ancient customs of those people, that were either hinted at or established by those laws; and this is the only matter in question.”^{xv}

LS: So Montesquieu expects that the laws discussed here throw the greatest light on the general spirit of the laws of the Germans. Why is this surprising, or expected, a tendency to be expected?

Student: Well, you would expect it from his original discussion of penal laws as being the most important discovery of the age.

LS: Regarding proofs, but here “the general spirit of the laws of the Germans.” Does this ring a bell?

Student: Those forests where liberty was invented.

^{xiv} *Spirit of Laws*, vol. II, bk. XVIII, ch. 4, 97-98.

^{xv} *Spirit of Laws*, vol. II, bk. XVIII, ch. 15, 108.

LS: Yes, XI, 6, the chapter on the British constitution. If this is the most wonderful thing in the world and if it stems originally from the forests of Germany, then we have to understand the Germanic laws, knowing very well, as he makes abundantly clear, that these Germanic laws were not the beauty which one could admire in eighteenth century England, but it had certain qualities which made the Germans able to become Englishmen of the eighteenth century.

Student: Is he depending here heavily on Tacitus?

LS: Yes, everybody about the older Germans has to depend chiefly on Tacitus. But in the meantime they know a bit more about it. But yes, and Tacitus, of course, it is understood, a pagan writing about a pagan people. That is the important point from Montesquieu's point of view. Let us turn to chapter 17. Now there are quite a few interesting things in this chapter. Let us read only a few points. The titles "The Way of Thinking of our Fathers," "*de nos pères*." Now that can of course mean for a Catholic writer something very different, but he means the old Franks, the old Germans. And also at the beginning of the chapter one will be surprised to see that our fathers may depend the honor, fortune, and life of the citizens on things which are less of the resort of reason than of chance. Let us read the fifth paragraph about Gundebald, King of Burgundy—

Mr. Reinken: "—gave the greatest sanction to the custom of legal duels. The reason he assigns for this law is mentioned in his edict. 'It is,' says he, 'in order to prevent our subjects from attesting by oath what is uncertain, and perjuring themselves about what is certain.' Thus, while the clergy declared that an impious law which permitted combats, the Burgundian kings looked upon that as a sacrilegious law which authorized the taking of an oath." ^{xvi}

LS: Here you have clear the opposition between—these are already Christian Franks—the opposition between the clerical view and the anti-clerical view in the Middle Ages. Yes, the key point which he makes: "Montesquieu explains the proof of fire and boiling water just as a judiciary duel by the warlike character of the Germanic peoples, and not as a judgment of God." And it was, of course, as a judgment of God. To that extent he is historically wrong. But we are here more interested in his tendency, what he is driving at, than whether he is a good enough historian. Now chapter 18, the second paragraph.

Mr. Reinken: "But, notwithstanding the clamors of the clergy, the custom of judicial combats gained ground continually in France; and I shall presently make it appear, that the clergy themselves were in a great measure the occasion of it.

"It is the law of the Lombards that furnishes us with this proof. 'There has been long since a detestable custom introduced,' says the preamble to the constitution of Otho II: 'this is, that if the title to an estate was said to be false, the person who claimed under that title made oath upon the Gospel that it was genuine; and without any preceding judgment

^{xvi} *Spirit of Laws*, vol. II, bk. XVIII, ch. 17, 109-110.

he took possession of the estate; so that they who would perjure themselves were sure of gaining their point.””

LS: Now in the sequel of the same long paragraph one sees that the nobility demanded the proof by combat.

Mr. Reinken: Page 113, top. “Here we see, that the nobility insisted on the trial by combat, because of the inconvenience of the proof introduced by the clergy, that notwithstanding the clamors of the nobility, the notoriousness of the abuse which called out loudly for redress, and the authority of Otho who came into Italy to speak and act as master, still the clergy held out in two Councils; in fine, that the joint concurrence of the nobility and princes having obliged the clergy to submit, the custom of judicial combats must have been considered as a privilege of the nobility, as a barrier against injustice, and as a security of property, and from that very moment this custom must have gained ground.”

LS: Now this case is very interesting because it seems that the duel as a way of settling property rights is most absurd. And Montesquieu is trying to show that compared with the alternative it is superior, the alternative being a simple oath on the Gospel. And then, of course, every crook could swear an oath. He didn’t risk anything. Let us first finish this point. Skip the next paragraph. “I am pressed to speak of the constitution of Otho II in order to give a clear idea of the troubles in those times between the clergy and the laity.” Now two paragraphs later.

Mr. Reinken: “On the one side, the clergy were pleased to see that in all secular affairs people were obliged to have recourse to the altar, and on the other, a haughty nobility were fond of maintaining their rights by the sword.”^{xvii}

“I would not have it inferred that it was the clergy who introduced the custom so much complained of by the nobility. This custom was derived from the spirit of the barbarian laws, and from the establishment of negative proofs. But a practice that contributed to the impunity of such a number of criminals, having given some people reason to think it was proper to make use of the sanctity of the churches in order to strike terror into the guilty, and to intimidate perjurers, the clergy maintained this usage and the practice which attended it: for in other respects they were absolutely averse to negative proofs.”^{xviii}

LS: You know, a little bit later, I do not know precisely where, Montesquieu makes this point: given a warlike society, it was much safer to have recourse to decision by combat than any other way in which these things could be settled. Well, as you still see in some Western movies, the accusation of a liar is disproven by the accused boxing down the accuser, meaning he is so courageous and so strong that he is in no way in need of lying. Roughly something of this kind is what Montesquieu suggests. Mr. Shulsky.

^{xvii} In original: “On the one hand, the clergy were pleased to see that in all secular affairs people were obliged to have recourse to the altar, and on the other, a haughty nobility were fond of maintaining their rights by the sword.”

^{xviii} *Spirit of Laws*, vol. II, bk. XVIII, ch. 18, 112-15.

Mr. Shulsky: I was wondering what that remark that we read just before, toward the middle of the chapter, that the Church accepted the trial by combat after the clergy and the king forced it upon them—

LS: They had to find champions then.

Mr. Shulsky: They had to find champions, or because they would be in a way more hampered by taking an oath? I mean it would be easier for rascals to get hold of their property—

LS: I do not know whether that's the main point, but the point is that it was a concession of the Church, it was imposed on it. The nobility was the root of that. This difference between the clergy and the nobility in the early Middle Ages—that has, of course, very much to do with the chapter on the English constitution. The situation is this. The modern state in its most perfect form, the English state superior to the ancient republics, how to account for that? It is insufficient to explain that by the superiority of Newtonian physics to Aristotelian physics. This, at least, would lead to a very complicated argument. We have to speak of the political ingredients. Now, is it not natural to say that this constitution, having developed in a Christian and more specifically Protestant country, that is the ground of the superiority of modern politics at its best to ancient politics? And I think to counteract that Montesquieu shows the origin of this beautiful system, as he calls it, in pagan Germany. I don't say that Book XXVIII has solely this purpose, surely not, but it also has a purpose to substantiate that, that the conflict between the warlike, half-pagan nobility and the clergy in the Frankish empire throws light on the background of the English constitution. Yes.

Student: I can't help but think that his remark is inaccurate that the clergy themselves were in a great measure the occasion of it.

LS: Well, I'm really not a legal historian, but I seem to remember that some of the ordeals were taken from the Old Testament. I mean, for example, the case of the adulterers—there are such procedures. Yes, it is not as simple as Montesquieu presents it. In other words, these are not necessarily indigenous Germanic things, these kinds of ordeals.

Same Student: Because if I remember my medieval history correctly, they attempted to regulate it and even proscribed it on certain days, what were called peace days.

LS: Yes, he speaks of that later. That is always a longer question, to what extent are the facts of Montesquieu correct. We cannot go into this infinite question. Then we would have to study the history of all legal systems in the world. At least we would have to have an expert in legal history among us. We have one in natural science and mathematics. But we do not have one in legal history as far as I know. It is important for us if we want to understand Montesquieu, what is he driving at, what is the purpose of these extensive historical studies which seem to be a kind of afterthought, and how are they connected

with the substance of the work. This point which I made, the anti-ecclesiastical point, is not the whole story, but it is an important ingredient. That is the only point I want to make.

Student: Another evidence of this English thing caught my eye. The last note of Montesquieu on chapter 13 is, I think, the only reference to modern custom outside of France.

LS: Chapter 13?

Student: Yes, where he's building up the most reasonable point of the Salic law, in one case however in which they were allowed, and he finally gets to: "The plaintiff caused witnesses to be heard, in order to ground his action, the defendant produced also witnesses on his side, and the judge was to come at the truth by comparing those testimonies." The truth hasn't been much heard of in this place. And the little note: "According to the practice now followed in England."^{xix}

LS: "even now in England."

Student: This seems like a great limitation. If the laws were appropriate to the people, then another force in society changes it. It seems that his position, an implication of it anyway, is that you should resist all changes because there's an equilibrium at a particular time.

LS: No, no, that he doesn't mean.

Same Student: Then what would be his objection to the changes taking place?

LS: We come to the question of change and the right posture toward change later. Book XXIX especially deals with that.

[class ends]

¹ Deleted "more."

² Deleted "in."

³ Deleted "he."

⁴ Deleted "that."

⁵ Deleted "here."

⁶ Deleted "is."

⁷ Deleted "and."

^{xix} *Spirit of Laws*, vol. II, bk. XVIII, ch. 13, 107.

⁸ Deleted “was.”

⁹ Moved “would.”

Session 8: April 20, 1966

LS: Thank you very much. That was a very fine paper. I will take up a few points. You say Book XXIX seems to be somewhat out of place. “Seems” because you were not quite sure of it?

Mr. Aichinger: Yes.

LS: But what is your tentative suggestion, that it might be in its place?

Mr. Aichinger: Yes, in a way I didn’t really ask the question because I’m still not sure. But the only thing I can see is that he’s emphasizing the connection again between historical study and something higher than mere historical study. But I’m still not really sure why in the middle of these historical books—

LS: Now that is a very difficult question for one reason—because on the basis of what one knows about how Montesquieu composed the book and sent it to the printer and this kind of thing—it could seem that Books XXX and XXXI at any rate were a kind of afterthought. When the book was already in print he put this stuff together. He had a lot of material on the French laws. But on the other hand, one must say that a man who has been working on this subject, the spirit of laws, for twenty years and with such an extraordinary mind, even if he changes his mind regarding the end suddenly, that was somehow prepared as a possibility. So I would say that I would hesitate to ascribe it to mere accident, and would assume that it has some intelligible reason.

Now the historical books, as you call them, can be said to have one subject covering all four books: the change, the actual change of laws. Now the question is, what has the composition of laws, the theme of XXIX, to do with the change of laws?

Student: The four books would be about sub-rational change, and composition of laws would be change or new laws brought about intelligently.

LS: That is all right, but only one premise which you use should be made explicit, that the composition of laws means for all practical purposes also a change of laws. I mean that someone would be a legislator in a society which previously had no laws, no customs whatever, seems to be rather fantastic. This is a possible explanation. Now there were two details which you brought up regarding ostracism. Montesquieu doesn’t say whether it is in itself just or unjust. But if I remember well he did speak about that. Mr. Roos, you know it?

Mr. Roos: In Book XXVI he says that it shouldn’t be looked upon as a terrible punishment, that actually—

LS: So it was just, given in this political order. Yes, that is what I remember. Now regarding suicide, that was the last point, that Rome treated it from a fiscal point of view. But this means, of course, imperial Rome, i.e., no longer Rome based on virtue. And therefore this difficulty which you found can be disposed of, to say nothing about the more important fact that this statement about virtue in the ancient republic was a kind of initial statement, a kind of target, we could say, which he put up in order then to put it down again. And therefore in our advanced stage of training we should not be too much impressed by the statements about ancient virtue. Is this understandable?

Student: Yes.

LS: Now, I think the passage has a very different bearing. In his writing on *The Greatness and Decadence of the Romans*, chapter 12, toward the end where he says, "One can give a number of reasons for this custom so general among the Romans to commit suicide."¹ I will read only the first of these causes: "the progress of the Stoic sect which encouraged it." You remember the importance of the Stoics, his high praise of the Stoics? Good. So, in other words, his statement on suicide has to be understood, as quite a few of his other statements must be understood, as part of his questioning of biblical, in particular Christian, morality. That I believe is the simple context in which we should understand it. Mr. Reinken.

Mr. Reinken: On this movement which ancient times seemed to have shown from severe virtue to a financial time under the emperors, Montesquieu paints this as having happened twice. The ancients went from severe virtue to luxurious emperors, and that was bad. Whereas, the moderns have gone from a severity which was at best haughty nobles defending their rights with a sword to a humane luxury. So that the difference has been that this time the change from severity to mildness has been an improvement.

LS: Yes, that is surely also important. In other words, the modern development is not, as Vico might have thought or other people of this kind, a simple repetition of what happened in antiquity. Something new happened, something radically new, and this has to do with all kinds of things, for example, Newton, and so on. Yes, that is quite right.

Last time when I made this very general statement about history, about how history became philosophically relevant and Montesquieu as an important man to study from this point of view, I believe I did not draw an inference which I had in my notes and without which what I said before was very fragmentary. You remember that I said with reference to Spinoza's *Theological-Political Treatise* that Spinoza declares that ultimately the distinction between natural and conventional is baseless because every event, every thing which happens, is as necessary and determined by antecedent causes as any other. We read some passages in Montesquieu which have to do with that, for example this key passage which was at Book XIV, chapter 10, end, which we cannot read now. To come to the main point, which I stated: the general character of a nation, the national character, [in] Book XIX, is a natural product of these "n" factors, and as natural as a process to be observed under a microscope or in a laboratory.

¹ Montesquieu, *The Greatness and Decadence of the Romans*, chapter 12, edition unknown.

So, the conclusion: not history as history but nature, a different understanding of nature, is the reason why Montesquieu's thought tends to become historical. The human things, the human phenomena, are as natural as the so-called natural phenomena and therefore they have to be taken—in other words, they are not merely the sphere of human conventions where silly, superstitious legislators arbitrarily, whimsically lay down laws; but this is also as necessarily determined as an earthquake, or what have you, and you have to explain it in scientific terms.

Now there is a classical, an ancient alternative, and that is the poem of Lucretius, to mention only the best known statement. There is a single process from the beginning when men first emerged via a peak to the end of human life on earth. What we call universal history is just a part of the cosmogonic process, and no other causality emerges there than the one which we have in the emergence of rocks or what have you. Lucretius' account is wholly unhistorical. Not a single proper name occurs. And Lucretius is in a way the model for Rousseau's treatise on the origin of inequality, which he calls a history of man, but also here no proper names. What Rousseau describes there is what he calls the way from the state of nature to the establishment, via all kinds of trials and errors, of the free society. I mean he doesn't go to the end of it, but this is roughly the notion underlying it.

In Montesquieu one would find all the materials for a construction of this way from the state of nature towards, say, the British constitution with the use of historical data, quoting chapter and verse, which neither Rousseau in this particular work nor Lucretius ever thought of. I thought I should add these points, not in order to settle the question on the origin of the historical consciousness, but to mention a few more points which have to be taken into consideration if we are eventually to arrive at a proper account.

Student: As you mentioned a while back in a series of lectures, Aristotle said that obedience to the law or convention is strictly habit. This would seem to imply that—he mentions numerous cases where men are just obedient because of the fact that this had existed [before]. Perhaps at one time there was a reason for it—

LS: Yes, that is not so simple whether there is such a reason. According to the original conception of *nomos*, in contradistinction to *physis*, that is not necessarily the case. I give you an example from present day social science. There is a woman called Ruth Benedict, *Patterns of Culture*. I think in the college here they have to read it, so some of you may have read it. And this is, of course, more or less up to date value free social science. And I remember one discussion which she has of two North American tribes, racially the same stock, living under the same sky and the same climate, and the ones are warlike and the others are gentle. I probably simplify it, but good.

Now, what's the reason, what's the reason? Ultimately you have to come back to a fiat of the legislator. Whether the legislator is an individual or the tribe doesn't make any difference. Something of this kind is underlying the conventionalist view. And it is by no means an irrational view, that man is not simply a product in what he does of the

conditions. He is confronted with questions, how should the whole society look like? And if this question is not susceptible of a rational answer, as social science of course asserts, then there must be some fiat, some preference. That is, therefore, not too difficult even for us to understand. Of course, Plato and Aristotle would say: of course there was some reasoning, but a defective reasoning. For example, if you have a tribe which establishes cannibalism, take the simple example, there must have been some faulty reasoning when they arrived at such a conclusion, and so on. Good.

Now we have to consider a few passages from Book XXVIII, lest we forget the context. Now the first is in chapter 22 where he speaks about gallantry. After all, he has to speak about the Medieval French, or generally Europe[an], code of morals in which gallantry, also in its amorous aspect, plays a great role. The main point which I want to make here is only that this is another thing which in itself cannot be traced to Christianity, according to Montesquieu. The background of all this is to make us understand that this beautiful system, the English constitution, goes back to the forests of Germany, meaning it does not go back to Christian influence. That is the crucial point. We have shown this on a few occasions. When he speaks in the next chapter about the jurisprudence of judiciary combat, one cannot help wondering whether he is not thinking of that as a parallel to scholastic theology, because very subtle reasoning on grounds which he does not regard as sound.

One more consideration, in chapter 37, the first paragraphs “If it is true that one must not change when the inconveniences equal the advantages, still less must one change when the advantages are small and the inconveniences immense.”ⁱⁱ Does this ring a bell in any of you? Aristotle’s *Politics*, Book II, criticism of Hippodamus, should one change laws, and where Aristotle says with very great caution [that] the fact that change is salutary in medicine, for example, doesn’t prove that change in laws is salutary. In the arts, no objection, but not in law. Now this, of course, is the whole question, how to change laws, which he discusses here in this context, and which is a natural link with Book XXIX, as I tried to state before. Yes.

Student: Would Aristotle include in changing laws creating new laws?

LS: That’s the same. Because even if you have a new colony, you send out a new colony, and there will be of course new laws for this new colony, and especially if the colony consists of people coming from different cities there must be a new code, otherwise there would be dissatisfaction. But still it would be a rearrangement and a change of the laws to which they were previously subject. And if you say, well there are nations, tribes without laws, say customs, it doesn’t make any difference—only at a beginning, in a state of nature, in a Hobbean state of nature, would you go back behind any customs or laws. As long as men live politically, in the widest sense of the word, there are always laws. And the question of new laws means the changing of old laws.

Student: So, in other words, Aristotle would prescribe, as Montesquieu does, perfecting the laws that exist.

ⁱⁱ *Spirit of Laws*, vol. II, bk. XVIII, ch. 37, 143; Strauss’s own translation.

LS: Yes, changing with great caution—that is the point. Now this is a very long chapter and we cannot possibly read it all. When he speaks here about St. Louis, the French king, let us read the third paragraph of chapter 38.

Mr. Reinken: “Thus this prince attained his end, though his regulations for the courts of the lords were not designed as a general law for the kingdom, but as a model which everyone might follow, and would even find his advantage in it.”

LS: In present-day language that would be called a pilot project.

Mr. Reinken: “He removed the bad practice by showing them a better. When it appeared that his courts, and those of some lords, had chosen a form of proceeding more natural, more reasonable, more conformable to morality, to religion, to the public tranquility, and to the security of person and property, this form was soon adopted, and the other rejected.

“To allure when it is rash to constrain, to win by pleasing means when it is improper to exert authority, shows the man of abilities.”

LS: No, “this is the supreme ability.”

Mr. Reinken: “Reason has a natural, and even a tyrannical sway—”

LS: “empire,” “reason has a natural empire, she even has a tyrannical empire.”

Mr. Reinken: “—it meets with resistance, but this very resistance constitutes its triumph; for after a short struggle it commands an entire submission.”ⁱⁱⁱ

LS: Yes, you see the principle of change is, of course, caution; no coercion, wait until people are willing to adopt the change. That is not universally true, but generally speaking. And the reason which he gives here, that is not the Aristotelian reason, not by a long shot. What is the Aristotelian reason for his proposal?

Student: Well, to maintain the venerability of the laws, which is based on their age.

LS: As he says here in a very strong statement, laws owe their validity, their persuasive power, to custom, to long habits of obedience; and therefore new laws do not have this support. In other words, in Aristotle the emphasis is not on the power of reason at all. Here the emphasis is entirely on the power of reason; and we have found other beautiful examples of Montesquieu’s belief in the power of reason, in the victory of reason. Do you remember that? We discussed that at some length.

Student: He specifically transferred that venerable antiquity to being proper to religion—

ⁱⁱⁱ *Spirit of Laws*, vol. II, bk. XVIII, ch. 38, 144-45.

LS: Yes, it has surely to do with this. In chapter 39, the third paragraph from the end. “And hence the laws which St. Louis made had effects which one could not have expected—”

Mr. Reinken: “—from a masterpiece of legislation. To prepare great changes whole ages are sometimes requisite; the events ripen, and the revolutions follow.”^{iv}

LS: “Revolutions” does not necessarily mean violent change. Those of you who have ever read Burke will recognize much of Burke in this general thought about change. Yes, now I think we will leave it at that and turn now to Book XXIX for which we have been well prepared by Mr. Aichinger’s paper. Now in the first chapter he speaks about the spirit of moderation, and that of the legislator. A spirit of moderation is that which aims at the mean, at the mean. That in a way reminds of course of Aristotle; but there is a difference between Montesquieu and Aristotle on this point. According to Montesquieu. virtue itself is in need of being moderated. Do you remember the passages “Who would say it, virtue itself is in need of being moderated,” a theme which has become politically important for a second in this country. Do you know where?

Student: Goldwater?

LS: Yes. Now the spirit of moderation was mentioned before in this work. Do you remember that? Which regime is characterized by moderation?

Student: Monarchy?

LS: No, monarchy is honor.

Student: Aristocracy.

LS: Aristocracy, so this is another tenuous link with the older thought. Now what he makes clear in the next chapter, chapter 2, which illustrates moderation, moderation is opposed to cruelty. He gives here an example for that. Let us read now the heading of chapter 3.

Mr. Reinken: “That the Laws which seem to deviate from the Views of the Legislator are frequently agreeable to them.”

LS: Yes, now the point which he makes here is this: the crucial importance of circumstances which give the decisive character to a law, again a point which is so important in the thought of Edmund Burke. Chapter 4, let us read again the heading.

Mr. Reinken: “Of the Laws contrary to the Views of the Legislator.”

LS: Yes, and how does it come about? Because the legislator has not sufficiently reflected on their implication. In chapter 5, let us read from the beginning.

^{iv} *Spirit of Laws*, vol. II, bk. XVIII, ch. 39, 146-47.

Mr. Reinken: “The law I am going to speak of is to be found in this oath preserved by Aeschines; ‘I swear that I will never destroy a town of the Amphictyones, and that I will not divert the course of its running waters; if any nation shall presume to do such a thing, I will declare war against them and will destroy their towns.’ The last article of this law, which seems to confirm the first, is really contrary to it. Amphictyon is willing that the Greek towns should never be destroyed, and yet his law paves the way for their destruction. In order to establish a proper law—”

LS: “a good law”

Mr. Reinken: “—a good law of nations among the Greeks, they ought to have been accustomed early to think it a barbarous thing to destroy a Greek town; consequently they ought not even to ruin the destroyers.”

LS: They ought not to destroy, not even the destroyers.

Mr. Reinken: “Amphictyon’s law was just, but it was not prudent—”^v

LS: Let us stop here. That is the passage which Mr. Aichinger read. Yes, this is a distinction which he makes intentionally. Is not justice the overriding consideration? That depends.

There is a beautiful classical statement of this issue in Thucydides. Does any one of you remember it? In the Third Book, I believe, Diodotus’ speech. The question is, the Mytilenaeans had made a revolt against the Athenians, high treason. And clearly, in the name of justice this demands that all Mytilenaeans be sold into slavery, and the males, I believe, all killed, and so on. And then Diodotus goes up and says, I shall not speak from the point of view of justice (because from the point of view of justice they are damned), I speak only from the point of view of expediency—which corresponds to what is here called prudence. So—but in Diodotus’ case one can show that he was sure that it was even unjust, and only to get a hearing at all he said, if you argue from the point of view of justice you are right. A bit of this could also be the case in Montesquieu. But nevertheless, the statement as he makes it, which is not the context of a speech directed against the speech of a demagogue, must make it crucial, and has something to do with this general point: virtue itself must be limited by higher considerations. And that applies to justice in particular.

I find here in a note that Condorcet, a famous name of the French Revolution, blames Montesquieu that he doesn’t consider the motives of laws and he doesn’t put down any principle which permits to distinguish just laws from unjust laws. One can understand that because there is no elaboration. The word “natural law,” “natural right,” occurs very rarely. I wish we had the statistic of that term, which would be very revealing. But nevertheless there are some principles of natural justice to which he appeals, but qualified, of course, in his case always by the circumstances.

^v *Spirit of Laws*, vol. II, bk. XXIX, ch. 5, 156-57.

If I may take the clearest case, the fundamental right is the right of self-preservation, which belongs to every human being as such, but if you have a country where there is overpopulation, where the life of a man is worth not sixty pounds as it is in England but nothing, and even less than nothing, what is the practical possibility of establishing there the right of self-preservation and guaranteeing it by law? And there are other examples from other spheres which have occurred. So the variety of circumstances is so great that only some very general principles of natural right can be stated, but they are not even applicable universally. This is, I think, what he has in mind. Mr. Bruell?

Mr. Bruell: Is it also the thought here that, at bottom, justice and prudence are not on any real basis distinguishable, that the original motivation for justice was in a way the same as the basis of prudence, a self-interest, or the interest of some sort of common good. But that justice asserts itself contrary to its own beginnings, what you spoke of before—

LS: But that is not so simple because, for example if you think of the simple Hobbean scheme, the equality of all men in this respect belongs to the right of self-preservation. And if you disregard that, if you say some have this right and others don't have it, you think unjustly because you make a distinction which is wholly unwarranted, wholly arbitrary. And if you act on this, you act unjustly.

Mr. Bruell: Is that the case here?

LS: I would take this for granted, but only Montesquieu would say you have to consider the variety of circumstances, and he could prove it against Hobbes as follows: Hobbes is compelled to give the whole power of all individuals to a sovereign who may be a Nero. Now is this a solution to the problem of my self-preservation, to be subject to a Nero? So, Montesquieu has a point there. Now, let us see. In chapter 6, "That the Laws which seem to be the same do not always have the same Effect," there is another point. There was this law of Caesar regarding—what was that?

Student: That the rich should not keep their money at home, and hence lend it to the poor.

LS: And so there should be circulation of money, and the poor should be able to pay back. And Condorcet did not understand that Montesquieu praised the law of Caesar, which was tyrannical, since the liberty of commerce is sufficient so that the rich, in the hope of the interest, loan to the poor. Condorcet's criticism goes through the whole book. I don't have it together, but it is in your edition I think. Now let us see. Let us turn to chapter 9, from the beginning.

Mr. Reinken: "A man, says Plato, who has killed one nearly related to him, that is, himself, not by an order of the magistrate, not to avoid ignominy, but through pusillanimity, shall be punished. The Roman law punished this action when it was not committed through pusillanimity, through weariness of life, through impatience in pain,

but from a criminal despair. The Roman law acquitted where the Greek condemned, and condemned where the other acquitted.

“Plato’s law was formed upon the Lacedaemonian institutions, where the orders of the magistrate were absolute, where shame was the greatest of miseries, and pusillanimity the greatest of crimes. The Romans had no longer those refined ideas—”

LS: “these beautiful ideas”

Mr. Reinken: “—these beautiful ideas; theirs was only a fiscal law.”

LS: Yes, if one reads this, these paragraphs by themselves, one would say that Montesquieu is in favor of Plato, because he would be in favor of virtue. But let us read the next paragraph, which happens to be the central paragraph of this chapter.

Mr. Reinken: “During the time of the republic, there was no law at Rome against suicides; this action is always considered by their historians in a favorable light, and we never meet with any punishment inflicted upon those who committed it.”

LS: Yes, in other words, here he comes out with what the true purport of this discussion is: the laws punishing suicide, are they as such reasonable? And he answers the question in this indirect way, not stating his opinion directly, but referring to an authority. In the republican time of Rome, the good time, suicide was not punished. And this action was always taken—there is, of course, a slight exaggeration because the historians would mention only the suicides of outstanding men in special situations, and not the suicide of an insolvent debtor or a jilted lover, or this kind of thing. But the main point which Montesquieu suggests here, and we would have to figure out why, is that it is unreasonable to punish suicide. What could be the reason?

Student: It can’t be punished. You can only punish the heir.

LS: Yes, that is true, but differently stated, regarding the principle itself of self-preservation?

Student: To punish the suicide, to put a deterrence in on suicide, here, you are working on the man’s nobler features to hold him back. The worst scoundrels will get free because they don’t care whether their heirs are disinherited.

LS: No, no, I didn’t speak of the heirs. That was Mr. Mueller’s point, that the suicide himself cannot be punished. That was his point. The principle, I would say, is this: the fundamental phenomenon is self-preservation, the right of self-preservation, not a duty of self-preservation. And, of course, in the traditional view there was a duty of self-preservation. Life was given to you by God and you were not its master. That is one of the many difficulties of the Hobbean doctrine, that while self-preservation, the fundamental moral phenomenon, is a right, not a duty, it is the origin of all duties, which

means of course that all duties are ultimately conditional. Whatever I have to do, I do except, unless—how does Locke express it beautifully?

Student: Unless in competition with my self-preservation.

LS: Yes, unless—that is the great qualification. Good. Montesquieu was attacked for this passage incidentally. In the next paragraph he says—

Mr. Reinken: “Under the first emperors, the great families of Rome were continually destroyed by criminal prosecutions. The custom was then introduced of preventing judgment by a voluntary death. In this they found a great advantage: they had an honorable interment, and their wills were executed, because there was no law against suicides.”^{vi}

LS: Now here let us stop. That was the earlier version. But in the final edition of 1757 Montesquieu says that that came from the fact that there was no civil law in Rome. Because his critics, the doctors of the Sorbonne, said suicide is forbidden by the natural law; and this was, of course, as valid in Rome as anywhere else. We will probably find some further evidence regarding the suicide problem when we turn to the *Persian Letters*. Now let us read the heading of the next chapter.

Mr. Reinken: “That Laws which seem contrary proceed sometimes from the same Spirit.”

LS: And then read the heading of the next chapter.

Mr. Reinken: “How to compare two different Systems of Laws.”

LS: Perhaps we’ll read this chapter.

Mr. Reinken: “In France the punishment for false witness is capital; in England it is not. Now, to be able to judge which of these two laws is the best, we must add, that in France the rack is used for criminals, but not in England; that in France the accused is not allowed to produce his witnesses, and that they very seldom admit of what are called justifying circumstances in favor of the prisoner; in England they allow of witnesses on both sides. These three French laws form a close and well-connected system; and so do the three English laws. The law of England, which does not allow of the racking of criminals, has but very little hope of drawing from the accused a confession of his crime; for this reason it invites witnesses from all parts, and does not venture to discourage them by the fear of a capital punishment. The French law, which has one resource more, is not afraid of intimidating the witnesses—”

LS: This one resource more is the torture. Yes.

^{vi} *Spirit of Laws*, vol. II, bk. XXIX, ch. 9, 159-160.

Mr. Reinken: “—it listens only to the witnesses on one side, which are those produced by the attorney-general, and the fate of the accused depends entirely on their testimony. But in England they admit of witnesses on both sides, and the affair is discussed in some measure between them; consequently false witness is there less dangerous, the accused having a remedy against the false witness which he has not in France.—Wherefore, to determine which of those systems is most agreeable to reason, we must take them each as a whole and compare them in their entirety.”^{vii}

LS: Yes, now is this not a remarkable statement? Here he speaks explicitly of a French legal order and an English; raises the question which is the best, which is more reasonable; and doesn’t give you an answer. Which do you think he regarded as the best?

Student: The rack and the intimidation—he’s a loyal Frenchman.

LS: Yes, sure. Condorcet was indignant, of course, that Montesquieu had considered as a system of penal legislation worthy of examination the ancient French criminal procedure, and so on. It is not necessary to read to you what the editor of this book says. But Condorcet said, if this is a persiflage, this chapter, which did not escape him, it is not sufficiently marked. In other words, Montesquieu should have said at the beginning: listen, here comes a persiflage. Well, Condorcet was a very touchy man, and he died probably for his convictions, but he was not admirable in every respect, as is shown by this remark. Now let us turn to the next chapter.

Mr. Reinken: “‘That Laws which appear the same are sometimes really different:’ The Greek and Roman laws inflicted the same punishment on the receiver as on the thief; the French law does the same. The former acted rationally, but the latter does not.”^{viii}

LS: The latter is?

Mr. Reinken: The French.

LS: Now is this not strange? Previously he was pussyfooting, and in the chapter following he is so outspoken. What can this mean? So he gave us an example of his extreme caution. Well, it is not extreme caution—although, extreme from Condorcet’s point of view. Just like many people today, many scholars today who write on these subjects, they want to have an explicit statement by the author that this statement was made ironically. Otherwise, they will not entertain the notion that it was ironical. But what does he mean by that? I mean, after all that is very strange. After having been so reticent regarding the one law, he is so outspoken regarding the other.

Mr. Reinken: Well, isn’t the difference between the circumstances? What he’s gone over in the French-English question goes to the whole root of the penal system. And this irrationality on this other point—changing the French law would not be a complete

^{vii} *Spirit of Laws*, vol. II, bk. XXIX, ch. 11, 160-61.

^{viii} *Spirit of Laws*, vol. II, bk. XXIX, ch. 12, 161.

revolution. It would not be as sore a point with the monarchy. But to reform the French law to come up to the English standard would be a thorough-going overhaul.

LS: Look, but Frederick the Great, who was not the most philanthropic man who ever lived, abolished torture in 1740 by a stroke of the pen. France would have been ripe for that too.

Mr. Reinken: But the whole business of how witnesses were to be heard, shifting the burden of proof, the spirit of the laws was to be completely—

LS: That is true, but I believe there is also another point. I think Montesquieu also wishes to give an example of what he called in chapter 5, “one must accustom people to think reasonably.” And he gives a specimen for the reasonable reader of what one has to do. Here he only raises this question as a kind of preparation and then he decides the question in the next chapter. I admit that the point which Mr. Reinken made is sound. There is a much more limited issue in chapter 12 than in chapter 11. Now let us turn to chapter 13 and first read the heading.

Mr. Reinken: “That we must not separate Laws from the End for which they were made: of the Roman Laws on Thefts.”

“When a thief was caught in the act this was called by the Romans a manifest theft; when it was not detected till some time afterwards it was a non-manifest theft.”

LS: Yes, let us skip the next two paragraphs.

Mr. Reinken: “It seems very odd that these laws should make such a difference in the quality if those two crimes, and in the punishments they inflicted. And, indeed, whether the thief was detected either before or after he had carried the stolen goods to the place intended, this was a circumstance which did not alter the nature of the crime. I do not at all question that the whole theory of the Roman laws in relation to theft was borrowed from the Lacedaemonian institutions. Lycurgus, with a view of rendering the citizens dexterous and cunning, ordained that children should be practised in thieving, and that those who were caught in the act should be severely whipped. This occasioned among the Greeks, and afterwards among the Romans, a great difference between a manifest and a non-manifest theft.”

LS: So, in other words, the explanation is irrelevant in Rome. We are concerned not with the Roman laws on theft, but with Montesquieu. Now skip the next two paragraphs.

Mr. Reinken: “As the civil laws depend on the political institutions, because they are made for the same society, whenever there is a design of adopting the civil law of another nation, it would be proper to examine beforehand whether they have both the same institutions and the same political law.

“Thus when the Cretan laws on theft were adopted by the Lacedaemonians, as their constitution and government were adopted at the same time, these laws were equally reasonable in both nations. But when they were carried from Lacedaemonia to Rome, as they did not find there the same constitution, they were always thought strange, and had no manner of connection with the other civil laws of the Romans.”^{ix}

LS: Yes, this seems to settle the issue in favor of your interpretation of chapters 11 and 12, namely if you are confronted with a manifestly unreasonable law you have to consider the political order as a whole. And since a radical change in the French judicial process would have great repercussions for the whole political order, then no change. But if it is a specific law limited to one subject like theft, that is another consideration.

Student: Is it possible that there's some effect to the fact that in the one case he compares two moderns, France and England, and in the other he compares a French law with an ancient? Is it possibly more palatable to be criticized in the light of the ancients?

LS: Yes, that is clear. That always goes without saying. Whether he prefers Rome to Sparta or Sparta to Rome doesn't make any difference. But I have not considered the question, I must say, whether the issue of which of the two regulations, the Roman and the Spartan, is better, arises. That I did not do. Yes.

Student: I think that is made clear in chapter 16, the very long chapter where he specifically criticizes Plato, the law of Plato on suicide, and then in the next to last paragraph he seems to criticize the principle of all ancient legislation.

LS: Shall we take it up then? All right. Condorcet, says this commentator, “far removed from this relativism of Montesquieu, thought that each kind of theft must be punished in all countries in the same manner.” In other words, whether stealing a horse from a man in a desert who has no way of getting out of it, or stealing a horse under other conditions doesn't make any difference. Well, one could find “n” other examples. In this respect, surely Montesquieu was infinitely wiser than Condorcet. Chapter 14, “That one must not separate the Laws from the Circumstances in which they were made.”

Mr. Reinken: “It was decreed by a law at Athens, that when the city was besieged, all the useless people should be put to death. This was an abominable political law, in consequence of an abominable law of nations. Among the Greeks the inhabitants of a town taken lost their civil liberty and were sold as slaves. The taking of a town implied its entire destruction, which is the source not only of those obstinate defenses, and of those unnatural actions, but likewise of those shocking laws which they sometimes enacted.”

LS: Yes, so that is clear. But the question is this here: given this abominable law of nations which, say, the Athenians couldn't change, was it then unreasonable of the Athenians to make this political law? That is the question which Montesquieu compels us to raise. Was not, given this state of things, the terrible Athenian law prudent? Now this leads to a broader question with which Montesquieu, of course, was thoroughly familiar.

^{ix} *Spirit of Laws*, vol. II, bk. XXIX, ch. 13, 162-63.

Now let me see. In the manuscript he had spoken as follows: “Among the Greeks and Romans the taking of a town led to its complete destruction. One lost there everything which the natural, the civil, the political law gave.” Here it is interesting, he refers in the earlier version, in the manuscript, to the natural law. No such reference occurs in the final version.

But the ultimate question was stated in antiquity, and Montesquieu was surely familiar with that, namely the limits of justice. The case of the two men on the shipwreck: only one of them can survive—and of course it is supposed that both are equally innocent men, otherwise it wouldn’t make sense, otherwise one would act as the judge and executioner in somewhat unusual circumstances—so they are perfectly innocent men, but only one can survive; what shall be done? Stricter moralities say there are rules. The more valuable for the community must be saved. But of course a man trained by Machiavelli would say, this is what ought to be, but this fellow in dire straits on this raft will not consult what he ought to do, but what he feels compelled to do. So this is behind all these kinds of questions. And this statement is accessible to us in the Third Book of Cicero’s *Republic*, if I remember well. Cicero’s *Republic* was lost until 1820 or so, but in quotations in Church Fathers this survived. So that was always known. Good. Let us read the next paragraph.

Mr. Reinken: “The Roman laws ordained that physicians should be punished for neglect or unskillfulness. In those cases, if the physician was a person of any fortune or rank, he was only condemned to deportation, but if he was of a low condition he was put to death. By our institutions it is otherwise. The Roman laws were not made under the same circumstances as ours: at Rome every ignorant pretender intermeddled with physic; but among us physicians are obliged to go through a regular course of study, and to take their degrees, for which reason they are supposed to understand their profession.”^x

LS: That’s of course a legal presumption. Here I think we see he does not criticize this Roman law given these circumstances, given the fact that there were not medical faculties, you had to have a very severe law. And the only distinction you could make was the external one which had nothing to do with the quality of the physician as such, but whether this was a man of higher social standing or lower social standing. And if he was of low social standing, the law was not squeamish and just killed him. Now let us first take the passages which we have to consider under all circumstances, then return to some others. Chapter 17, where he speaks about a bad way, in the heading, of giving laws. Now we have only to read the middle.

Mr. Reinken: “Julius Capitolinus says, that Trajan often refused to give this kind of rescripts [answers on general questions in particular circumstances], lest a single decision, and frequently a particular favor, should be extended to all cases. Macrinus had resolved to abolish all those rescripts; he could not bear that the answers of Commodus,

^x *Spirit of Laws*, vol. II, bk. XXIX, ch. 14, 164.

Caracalla, and all those other ignorant princes, should be considered as laws. Justinian thought otherwise, and he filled his compilation with them.”^{xi}

LS: So, in other words, that is of course a reflection on the whole traditional Roman law as put together by or under Justinian, and of course the fact that Justinian was a Christian emperor was surely not absent from Montesquieu’s mind. And this leads him quite naturally to the ideas of uniformity of which he speaks in the next chapter. Now let us turn to the last chapter, which was discussed very well by Mr. Aichinger, but we should do it again.

Mr. Reinken: “Of Legislators” which in French could also mean “Some Legislators.”

LS: But it’s more likely the first.

Mr. Reinken: “Aristotle wanted to indulge sometimes his jealousy against Plato, and sometimes his passion for Alexander. Plato was incensed against the tyranny of the people of Athens. Machiavelli was full of his idol, the Duke of Valentinois. Sir Thomas More, who spoke rather of what he had read than of what he thought, wanted to govern all states with the simplicity of a Greek city. Harrington was full of the idea of his favorite republic of England, while a crowd of writers saw nothing but confusion where monarchy is abolished. The laws always conform to the passions and prejudices of the legislator; sometimes the latter pass through, and only tincture them; sometimes they remain, and are incorporated with them.”^{xii}

LS: Yes, now Mr. A. understood very well that these legislators mentioned here are in the ordinary sense of the word no legislators; but they are the true legislators, the teachers of legislators, and that is, of course, what Montesquieu himself is. Now what he says about the individuals here mentioned is not the wisest things which one could say about them. And it is a question if this is a kind of persiflage it is not sufficiently marked. The point which you made is valuable, that here the passions, how important the passions of these people were, or in the case of Thomas More, that he was too much filled with what he read, that he was a humanist, as we would say today, and not a philosopher, which is a very unfair accusation. Harrington was mentioned here before, I believe, XI, 6?

Student: He was another legislator who had spoken about liberty.

LS: Did he not say about Harrington that he looked for the best order? Was this not Harrington? But he didn’t see it although it was lying at his feet, namely the English constitution? Read it.

^{xi} *Spirit of Laws*, vol. II, bk. XXIX, ch. 17, 169.

^{xii} In original: “Harrington, in his *Oceana*, has also inquired into the utmost degree of liberty to which the constitution of a state may be carried. But of him, indeed, it may be said that for want of knowing the nature of real liberty he busied himself in pursuit of an imaginary one; and that he built a Chalcedon, though he had a Byzantium before his eyes.” *Spirit of Laws*, vol. II, bk. XXIX, ch. 19, 170.

Mr. Reinken: Book XI, chapter 6, end: “Harrington, in his *Oceana*, also examined what was the highest point of liberty to which the constitution of a state could be taken. But one can say of him that he didn’t search for this liberty except after having failed to recognize it; and that he built a Chalcedon, though he had a Byzantium before his eyes.”^{xiii}

LS: In other words, he built an inferior thing [while] having a much superior thing in front of him. That is, I think, the point. Yes, you want to say something?

Student: I was just wondering about this last chapter that gives all these rather low motivations for the legislators. But in a way it does fill up a gap in his description, because he has nowhere given us any idea of why the true legislator does what he does, whether it’s simply humanity or whatever. In other words, in Machiavelli it is sort of clear that the legislator establishes a going society which brings benefits to other people because of his own desire for glory. But Montesquieu doesn’t discuss that very much, and so has to come up with some answer why these first legislators—

LS: All right, that is a good point. In other words, we would have to state the positive in each case. So one must be free from passions like those of Aristotle, number one; or like that of Plato, even just indignation is below the level of the true legislator; and surely one must not be full of an idol like Cesare Borgia. And one must read without any question, but one must think more than read; and what about Harrington, one must see more than one particularly attractive commonwealth. This doesn’t satisfy you? What would be the proper motivation, apart from the fact that he mentioned before about the great quality of the legislator, moderation, as he calls it?

There is a good word, I think, which Montesquieu would give us. He would say, apart from his intelligence and learning, the legislator must be animated by humanity. That, I think, would be his word. He must wish well to the human race, according to its rights. That is how it is understood. And he would say that he doesn’t see that a psychological analysis of humanity into its human, all too human ingredients would be of any help, because we understand¹ sufficiently that it is something, what the Greeks called *philanthropia*, love of mankind, of the human race, that without it one cannot be a teacher of legislators. A legislator one can be without that. That we know from experience. But surely not a teacher of legislators. So that without this *philanthropia*, cleverness would not be sufficient. I think he would say that. One would not have the motivation.

Student: Was this in opposition to Machiavelli, then?

LS: Yes, and to the others too, but since Machiavelli is in the center, one mustn’t be filled with an idol.

Student: I mean is it in opposition not to him in what he did, but in what he said?

^{xiii} *Spirit of Laws*, vol. I, bk. XI, ch. 6, 162.

LS: That is hard to say. That Montesquieu read writers like Machiavelli and Harrington with greater intelligence than the average reader is true, but how well, how deeply he penetrated—after all, he had to read an enormous amount of books for this work—that is hard to say. You made the point that there are two ancients and three moderns. And the selection is quite strange. Plato and Aristotle are naturals. Among moderns he picks Machiavelli, Thomas More, and Harrington. Probably he wanted to have two Englishmen, but for some reason or other he did not speak of Hobbes and Locke.

Student: What about the crowd of writers who saw disorder wherever there is no crown?

LS: They are too despicable, the simple monarchists.

Student: Well it might be Hobbes, or it might be Filmer.

LS: No, that couldn't do.

Student: That sort of anonymous addition which goes in parallel with Harrington gives a last overtone that one of the mistakes that people often make is to think that somehow for Montesquieu, a Frenchman, to suggest that it's a very vulgar error to think that monarchy, that there is always confusion from the abolition of monarchy. "A crowd of writers saw nothing but confusion where monarchy is abolished"—a very contemptible thought, one can sometimes get rid of the monarch.

LS: Yes, and especially since Harrington, as we all know, was a contemporary of the English Commonwealth.

Student: And the Commonwealth did a rather good job of getting rid of a monarch.

LS: Well it surely got Charles I killed, if you mean that, and it had a competent executioner. This one cannot deny. Let me only say there were a few passages in this long chapter 16. Let me see whether I can find them.

Student: Does he say that Machiavelli's fault is the least of all these faults?

LS: No, he puts him into the center, which means that Machiavelli somehow is the most important, which doesn't mean the greatest, by no means, but most important in the context. And that could mean that in a way the principle of the *Prince*, not of course Cesare Borgia, but chapter 15—take your bearings by how men do live as distinct from how they ought to live—that this was the beginning of the right approach. That could mean that, but it cannot be proven in this place.

Student: . . . it seems to be a kind of historicism in a way, and yet he says "the teacher of legislators must rise above particular passions" . . . but not merely when motivated by irritation with the Athenian people, viewing the whole, that is, all of mankind, all the laws, and everything else.

LS: Because he is a teacher of legislators, meaning of legislators in different cities and countries.

Same Student: But at the same time it is very historicist.

LS: No, why, why is that historicist? I think that is what Plato and Aristotle surely meant to do.

Same Student: No, I meant Montesquieu's conclusion in the last two sentences is somehow historicist. No, he doesn't suggest that all teachers of legislators must be touched by the passions of the day or the institutions of the day—

LS: No,² only the lower kinds. No, historicism as such—he's innocent of that. What did you mean Mr. Bruell about the passage on Plato in chapter 16: "The law of Plato, as I have said, wanted that one punish the man who commits suicide who did this not in order to avoid disgrace but from weakness. This law was vicious in so far as the only case in which one could not draw from the criminal an avowal of the motive which made him act, the law willed that the judge determine, reach a determination about these motives." What was your point?

Mr. Bruell: That he here criticizes explicitly a law of Plato which he had mentioned before, leaving some question.

LS: Yes, I see.

Mr. Bruell: And soon after this paragraph, "It is rare that it is necessary to prohibit a thing that isn't bad on the pretext of some perfection that one imagines," which seems to me to go more to the heart of the criticism of Plato than the specific reason that he gives.

LS: Yes, and also the beginning of the last paragraph, "One needs in the laws a certain candor," meaning not unqualified candor, otherwise he wouldn't add that adjective.
[class ends]

¹ Deleted "it."

² Deleted "that."

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LS: You raised the question which one must raise. After all, everyone who is not particularly interested in French institutions, especially feudalism. What is the meaning of this book within the context of the *Spirit of Law*? And you answered this question correctly, that the point is, if we take the example of du Bosⁱ in particular, that this belongs to the enlightened despotism which Montesquieu opposes. Montesquieu would prefer the limited monarchy to the absolute monarchy. And this is perfectly compatible, of course, with his preferring the British constitution even to that limited monarchy. That is surely the case. You did not speak about the methodic question which we have to raise, the fact that these are historical investigations. But one could say, once the question of the genesis of the French monarchy is raised, which is in itself an historical question, one must better be a good historian like Montesquieu rather than a bad historian like du Bos. You did not mention the other alternative in the view of feudalism which Montesquieu attacks.

Student: Oh, Boulainvilliers?ⁱⁱ

LS: Yes.

Same Student: Well that seemed, I think, to him to be too radical in the sense that he seemed to divorce himself from any moderation in respect to the nobles.

LS: What was his view, the chief point of Boulainvilliers' view?

Same Student: Just the opposite actually of de Bos'. Montesquieu seemed to be somewhere in between the two.

LS: Yes, he says so, but what is the salient point of Boulainvilliers' view?

Same Student: That the rights of the nobles—he somehow derives it from the Romans too, I think.

LS: The key point is that according to du Bos the Franks were called in by the Romans, and therefore the French King was the successor to the Roman Emperor, i.e., an absolute ruler. Boulainvilliers says no, the Franks came in as conquerors, and the French nobility are the descendants of the conquerors. Whereas the third estate are the descendants from the natives, the Gauls, the Roman Gauls. And therefore the right of conquest is absolutely in favor of [the] rule of France by the French nobility, period. And apart from the fact

ⁱ Jean-Baptiste Dubos, L'Abbé Du Bos (1670–1742), author of *Histoire critique de l'établissement de la monarchie française dans les Gaules* (1734).

ⁱⁱ Henri de Boulainvilliers (1658– 1722), author of *Histoire de l'ancien gouvernement de la France* (1727), *Etat de la France, avec des memoires sur l'ancien gouvernement* (1727) and *Essais sur la noblesse de France* (1732).

that this is not simply correct—there was conquest, but not in this form, with the legal consequences which Boulainvilliers assumed—but Montesquieu, of course, is also opposed to the notion of an unqualified rule of the nobility, and also the whole notion of the right of conquest underlying [it] is not, as we have seen, according to his taste. Thank you very much.

Now let us turn to some of the most important passages. At the beginning of chapter 1 Montesquieu makes clear the importance of the subject, feudalism. Perhaps you will read the first sentence.

Mr. Reinken: “I should think my work imperfect were I to pass over in silence an event which never again, perhaps, will happen—”ⁱⁱⁱ

LS: “an event which happened once in the world, and may not happen ever again.” Let us stop here. So Montesquieu asserts hitherto feudalism was unique, of course not in France but in the whole of Western Europe. But he says it may happen again, “which will *perhaps* never happen again,” which means that it may happen again. So the view that certain things will never happen again—you remember we found some interesting passages—is not accepted by Montesquieu unqualifiedly. He regards feudalism as possible in the future. Now the view which prevails today, as I remember, is that feudalism is not a phenomenon limited to the European Middle Ages, but people speak also of Japanese feudalism for example. Now with what right, I do not know. Do you know?

Student: Well, they say that—people speak, but inaccurately, of feudal ages in China or India, but in Japan is the closest approximation¹ [to] Western feudalism, that is, a system of grants given to vassals for services, on condition of military service.

LS: And inheritable?

Same Student: Yes, I think, that may be a departure.

LS: Yes, good, so we’ll keep this point in mind, that Montesquieu does not exclude a return of that, not entirely. Now let us turn to chapter 2, and read the first sentence there.

Mr. Reinken: “The conquerors of the Roman Empire came from Germany. Though few ancient authors have described their manners, yet we have two of very great weight. Caesar making war against the Germans describes the manners of that nation; and upon these he regulated some of his enterprises. A few pages of Caesar upon this subject are equal to whole volumes.”^{iv}

LS: Well, you see the difference between the translator and Montesquieu: “some few pages of Caesar on this matter are volumes.” And then, of course, the same is true of Tacitus. Now that is, of course, a very good beginning, a sound beginning, and the only

ⁱⁱⁱ *Spirit of Laws*, vol. II, bk. XXX, ch. 1, 171.

^{iv} *Spirit of Laws*, vol. II, bk. XXX, ch. 2, 171-72.

question is whether by the time of the conquest of Gaul the Germans had not undergone considerable changes, had not already become affected by Roman things. Today, I believe, scholars are more inclined to admit the Roman ingredient in feudalism than Montesquieu was. Is this not so?

Mr. Reinken: Yes, Gordon Child's book, *Rome Beyond the Imperial Wall*, not only had the Germans been coming in but they had been getting creature comforts from Rome for some 400 years.

LS: So that was then the defect of Montesquieu, that he has not considered that between Tacitus and, say, the migration period great changes had already occurred. Now the conclusion which Montesquieu draws from Tacitus and Caesar is stated in the last paragraph of chapter 3.

Mr. Reinken: "Thus, among the Germans, there were vassals, but no fiefs; they had no fiefs, because the princes had no lands to give; or rather their fiefs consisted in horses trained for war, in arms, and feasting. There were vassals, because there were trusty men who, being bound by their word, engaged to follow the prince to the field, and did very nearly the same service as was afterwards performed for the fiefs."^v

LS: Yes, and now the question arises then, what happened when France was conquered? And the key point which Montesquieu makes in chapter 5, as was pointed out by Mr. Aichinger, [is] that feudalism, whatever you may say against it, was surely not despotic government. That is, indeed, crucial to his point. We don't have to read all these details. Montesquieu simply was compelled—after the question was raised as to the origin of the feudal laws—to go into all these details, which to us are not immediately interesting, especially since in the meantime quite a few of his points have become antiquated. Yes, then he discusses Boulainvilliers. In the last paragraph of chapter 9 he states in his epigrammatic way what he thinks of the two men.

Mr. Reinken: You mean chapter 10.

LS: Yes, I'm sorry.

Mr. Reinken: "The Count de Boulainvilliers and the Abbe de Bos have formed two different systems, one of which seems to be a conspiracy against the commons, and the other against the nobility."

LS: Namely, Boulainvilliers against the commons, and du Bos against the nobility. And then he quotes from Ovid. So he takes an intermediate position between these two authors, and this is a position not only in so far as a historical question is concerned. Let us see, well we do not have to read everything else. In chapter 11 he explains the gradual emergence of universal serfdom, contrary to the situation as it was at the beginning. And in this connection he speaks especially among other things of the serfs of the Church. In chapter 11 we'll read perhaps the tenth paragraph.

^v *Spirit of Laws*, vol. II, bk. XXX, ch. 3, 173.

Mr. Reinken: “Here might I quote numberless authorities; and as the public compassion was raised at the sight of those miseries—”

LS: Not “public compassion,” “*les entrailles de la charité*,” “the bowels of compassion.”

Mr. Reinken: “—were moved at the sight of those miseries, as several holy bishops, beholding the captives in chains, employed the treasure belonging to the church, and sold even the sacred utensils, to ransom as many as they could; and as several holy monks exerted themselves on that occasion, it is in ‘The Lives of the Saints’ that we meet with the best explanations on the subject.^{vi} And, although it may be objected to the authors of those lives that they have been sometimes a little too credulous in respect to things which God has certainly performed, if they were in the order of his providence; yet we draw considerable light thence with regard to the manners and usages of those times.”

LS: We know already this style of criticism. He doesn’t deny that these miracles have happened but he says, he indicates a point from which one might question. If they made sense, he would have found them—otherwise² [not], but surely hagiography is a very important source. Now go on.

Mr. Reinken: “When we cast an eye upon the monuments of our history and laws, the whole seems to be an immense expanse, a boundless ocean; all those frigid, dry, insipid, and hard writings must be read and devoured in the same manner as Saturn is fabled to have devoured the stones.”

LS: Meaning so indigestible was to him this kind of literature. Let us read the last paragraph of this chapter.

Mr. Reinken: “It was a customary thing with the proprietors of lands, to give them to the churches, in order to hold them themselves by a quit-rent, thinking to partake by their servitude of the sanctity of the churches.”^{vii}

LS: So, in other words, this is the genesis of the property and power of the church and France connected with the troubles of these early centuries. Yes, we come to chapter 14. Now let us see. Yes, let us read the third paragraph, no the first paragraph, begin there.

Mr. Reinken: “After the barbarians had quitted their own country, they were desirous of reducing their usages into writing; but as they found difficulty in writing German words with Roman letters, they published these laws in Latin.

^{vi} In original: “Here might I quote numberless authorities; and as the public compassion was raised at the sight of those miseries, as several holy prelates, beholding the captives in chains, employed the treasure belonging to the church, and sold even the sacred utensils, to ransom as many as they could; and as several holy monks exerted themselves on that occasion, it is in ‘The Lives of the Saints’ that we meet with the best explanations on the subject.”

^{vii} *Spirit of Laws*, vol. II, bk. XXX, ch. 12, 180-81.

“In the confusion and rapidity of the conquest, most things changed their nature; in order, however, to express them, they were obliged to make use of such old Latin words as were most analogous to the new usages. Thus, whatever was likely to revive the idea of the ancient census of the Romans they called by the name of *census tributum*; and when things had no relation at all to the Roman census, they expressed, as well as they could, the German words by Roman letters; thus they formed the word *fredum*, on which I shall have occasion to descant in the following chapters.”

LS: Meaning this is the Germanic word, like “*Friede*” in present-day German. Now this is a good example of what is called historical thinking, such reflections which are intrinsically sound, whether he’s right in this particular point or not. That is the way in which one has to go about these kinds of questions. Let us see the last paragraph of this chapter.

Mr. Reinken: “To apply the idea of the present time to distant ages is the most fruitful source of error. To those people who want to modernize all the ancient ages, I shall say what the Egyptian priests said to Solon, ‘O Athenians, you are mere children!’”^{viii}

LS: Yes, you know where that occurred? In the *Timaeus*, in Plato’s *Timaeus* near the beginning. Yes, now this of course again a point of fundamental importance: if we want to understand other ages, we have to understand them according to the notions prevailing then, and not simply modernize it. That is what was primarily meant by the historical sense, as Ranke the great German historian put it, to see how it truly has been. And that means, among other things, and perhaps above all, how it was viewed by the contemporaries, and not by us today. Now this has become in one sense generally accepted; but in fact of course it is still a great difficulty because if you only think of the way in which sociologists now approach different cultures, the concepts which they apply stem primarily from our life, from Western, modern life, and therefore are a kind of procrustean bed on which you put these alien institutions. Is there any example which would readily occur to us?

Student: Would you say to describe something as a culture—

LS: Yes, sure, this is already something very prejudicial, but something more concrete and therefore more convincing.

Mr. Reinken: When they go talking about the political and religious systems of a reasonably simple island where papa [is] the most respected man, and people do what he says, and he may make reference to the gods. But papa and none of the islanders make the distinction between political, religious, and artistic systems—

LS: Yes, yes, now, the whole distinction between say handicrafts and art, to take another case, which may be wholly indistinguishable and in no way known as a distinction to the people of that time. And therefore, how can you draw arbitrarily a line between their artistry on the one hand and their crafts and technology on the other? So then

^{viii} *Spirit of Laws*, vol. II, bk. XXX, ch. 14, 186-87.

Montesquieu was aware of the principle involved. And this, may I say, is in no way an innovation of Montesquieu in itself, only since he came at the beginning of this large movement he is so famous for that.³

Now, what is the precise point to consider? Perhaps I'll bring this up first. These two books of the *Spirit of Laws*, more than any other part, mark the beginning of what we can call with Burke historical jurisprudence. Of course we must never forget Vico. But Vico was a very special case, a Neapolitan, a very rugged individualist, and his influence beyond southern Italy is not clearly traced. Montesquieu knew of him, in a trip to Naples—I don't know whether he met Vico but he surely met some of the circle around Vico. Now what Montesquieu started most visibly led then to the flowering of historical studies in the nineteenth and twentieth centuries which surpasses everything which ever existed in the past, at least in extent. I mean, think of religious history, economic history, history of art, history of science, history of languages. There is nothing which is not historically treated more or less ably since this time. This was a great enlargement of the horizon. And the self-admiration, which many people in the nineteenth century had on this score, is only surpassed by the self-admiration due to the development of modern science.

What was the price paid for this flowering of the historical sciences? I think one can say, the decay of⁴ alleged or true knowledge of the "ought." That is the price. In retrospect we see this particularly clearly, but it began already earlier. How could people be so blind to the fact that knowledge of the standards is much more important than historical knowledge as such? Well, they thought in a manner that the understanding of history will make superfluous knowledge of the "ought." Now this seems fantastic, but this has happened very often.

The most important case is that of Marx. Marx was a very great historian. There is no doubt about that. When you read, for example, his chapter on the primitive accumulation of capital, it breaks new ground. In the meantime so much has been written beyond that, but Marx was in this way as original as Montesquieu was in his. But when he speaks about this primitive accumulation of capital in the fifteenth and sixteenth centuries, he stresses all the time the crimes committed in that age, the injustices committed—you know by the enclosers and this kind of thing. So Marx has obviously a standard of justice which he doesn't take the trouble to elaborate, what everyone would say when confronted with these facts and if he had no ax to grind. But Marx's true argument is a bit more complicated. These were crimes, there is no doubt about that. But these crimes were necessary; otherwise, capitalist society would never have come into being. And capitalist society is necessary so that *the* just order, the classless, universal society, will come into being. There is no need of an ought even here regarding the transition from capitalist to communist society because the harsh interest of the large majority of men, without any consideration of justice, is perfectly sufficient for bringing about that change.

Now there is, of course, an ambiguity in Marx, because if people did not believe in their right, they would not fight for it the way they do. But I took the example of Marx, it is not the only one. But something of this kind has been happening throughout the

nineteenth century, that people thought that the deeper historical understanding will make superfluous the striving for knowledge of the norms. Another simple form of course is this: there are no norms higher than the norms of your culture. Now in order to know what these norms are, you have to analyze your culture in order to see what the norms are, because the norms would not only be those talked about but also those inherent in the life and in the institutions of the culture. Mr. Reinken?

Mr. Reinken: To put a more naive question, I have a feeling that Abbe du Bos and Count de Boulainvilliers are already committing this. When the question is one of how much power shall Louis XIV and his promoted bourgeois ministers have, isn't it really rather absurd to go back to the origins of the Dark Ages to settle this question? And have not these lesser men already evinced an appeal to history which should be very weak?

LS: Yes, now I knew once du Bos' so-called aesthetic writings, but never read his historical writings, nor do I know that by Boulainvilliers, but I would suggest this point. The facts which you adduce, and without going into the details of these two authors, prove only this reasoning, which has nothing to do with the modern historical consciousness and, in fact, is incompatible with it. And that is, that the old is the best. The origins are higher than anything stemming from the origins. And that is as old as the records of mankind lead us, that people regard the old as more respectable. And that changed, of course, gravely, not only with the emergence of philosophy when this was explicitly questioned. Never forget the authoritative statement, as it were, in Aristotle's *Politics*, Book II—"Men seek not the ancestral but the good"—meaning that is what men are truly after, and they only believe erroneously that the ancestral is the good. You can say that is coeval with reason, the non-identification of the good with the ancestral.

But what was the preserve of a small group of men, the philosophers in the past, became widespread since the seventeenth century and culminated then in this notion of progress, first progress expected and hoped for, and then progress proven, and finally the certainty of progress for all future—these things which developed in the seventeenth and eighteenth centuries. This made eventually the older notion, the assumption that the good is the ancestral, wholly unintelligible. Speak to a teenager today, unless he comes from a backward stratum of society, he wouldn't understand that.

Mr. Reinken: But in some measure the historical theme: the first stage is the ancestral is the good; the second stage is the seventeenth and eighteenth century Enlightenment, when not a few men believed in progress—

LS: Could you say that the new is the good, the other irrationality?

Mr. Reinken: Perhaps that was why the problem came. But in some sense the historical consciousness does seem to recapitulate [that] the ancestral is the good, or the norm.

LS: Yes, but in a much more subtle way. Yes, I would say it can easily decay into that, into that simple equation, but that is not the primary meaning of it. But this is a complicated thing because the historical consciousness was in its earlier forms connected

with a belief in progress, for example in Herder, that there is on the whole an upward march and you only have to see each step in its context in order not to do violence to the individuality of each conscience, things which are alive⁵ up to the present day. So, let us then turn to chapter 15, the heading, well we do not have to go into the details. In chapter 16 he explains the original form of the fief. The key change was that they originally could be recalled at will by the king, and later on they became hereditary property. This was then the final form. Occasionally (he observes in chapter 17, at the end of the fourth paragraph), a similar policy is even today observed in England, which is an allusion to his famous chapter. That becomes still more clear, I think, in chapter 18, the fifth and sixth paragraphs. Do you have that?

Mr. Reinken: “It will be imagined, perhaps, that the government of the Franks must have been very severe at that time, since the same officers were invested with a military and civil power, nay, even with a fiscal authority over the subjects; which in the preceding books I have observed to be distinguishing marks of despotism.

“But we must not believe that the counts pronounced judgment by themselves, and administered justice in the same manner as the bashaws in Turkey; in order to judge affairs they assembled a kind of assizes, where the principal men appeared.”

LS: In other words, a kind of parliament in the French or, if you want to, even in the English sense. A little bit later, the second paragraph from the end of this chapter.

Mr. Reinken: “But whoever had the jurisdiction, the king, the count, the *grafio*, the *centenarius*, the lords, or the clergy, they never tried causes alone; and this usage, which derived its origin from the forests of Germany, was still continued even after the fiefs had assumed a new form.”^{ix}

LS: Yes, we are familiar with this general thought from his famous chapter on the English constitution. In the next, chapter 19, let us read the fourth paragraph.

Mr. Reinken: “The law of the Frisians is the only one I find that has left the people in that situation in which every family at variance was in some measure in the state of nature—”

LS: Not “in some measure,” but “so to speak.” Because strictly speaking it couldn’t be in the state of nature. Why not?

Mr. Reinken: There was a law of the Frisians.

LS: Yes, that’s very good, but one can even say whether the family was in the state of nature. Go on.

^{ix} *Spirit of Laws*, vol. II, bk. XXX, ch. 18, 195.

Mr. Reinken: “—so to speak in the state of nature, and in which being unrestrained either by a political or civil law they might give freedom to their revenge till they had obtained satisfaction.”

LS: Now, you see at the end of the following paragraph he speaks of the state of nature without qualification, but of course we must understand this all the time now, that after he has used the qualification once he doesn’t have to repeat it. But we must never forget this qualification. Now, two paragraphs later, the brief paragraph:

Mr. Reinken: “By the establishing of those laws, the German nations quitted that state of nature in which they seemed to have lived in Tacitus’s time.”

LS: Now that is, I think clear, that we must keep this in mind. At the end, the third paragraph from the end of this chapter:

Mr. Reinken: “It would have been absolutely unjust to grant a composition to the relatives of a robber killed in the act, or to the relatives of a woman who had been repudiated for the crime of adultery. The law of the Bavarians allowed no compositions in the like cases, but punished the relatives who sought revenge.

“It is no rare thing to meet with compositions for involuntary actions in the codes of the laws of the barbarians. The law of the Lombards is generally very prudent; it ordained that in those cases the compositions should be according to the person’s generosity; and that the relatives should no longer be permitted to pursue their revenge.”^x

LS: I notice only as a matter of course the way in which he speaks of what would have been unjust, and that the law of the Lombards is perhaps, is almost always reasonable. For Montesquieu there is no possible study of laws and institutions without going into the question of their reasonableness. That goes without saying. In the next chapter, at the end of the second paragraph, we find a remark about the peculiarity of the Germans.

Mr. Reinken: “contrary to the practice of all other nations, justice was administered in order to protect the criminal against the party injured.”^{xi}

LS: Yes, because of the warlike character of the Germans. Today that reads as a kind of caricature about certain phenomena in this country. By the way, this remark is also interesting perhaps with a view to the connection between Books XI and XII. You remember, XI, the English constitution; and XII, the penal law. Both the separation of powers and the penal law, which indeed protects the criminal, belong together for the sake of freedom. And we are perhaps reminded of that here. There is only one other passage in this book, at the end, chapter 25, the last paragraph.

Mr. Reinken: “The public should not forget the obligation it owes to the Abbé du Bos for several excellent performances. It is by these works, and not by his history of the

^x *Spirit of Laws*, vol. II, bk. XXX, ch. 19, 196-99.

^{xi} *Spirit of Laws*, vol. II, bk. XXX, ch. 20, 200.

establishment of the French monarchy, we ought to judge of his merit. He committed very great mistakes, because he had more in view the Count de Boulainvilliers's work than his own subject.

"From all these strictures I shall draw only one reflection: if so great a man was mistaken how cautiously ought I to tread?"^{xii}

LS: By the way, here is one of the other few cases where he calls someone a "great man." You remember Bayle was called a great man and some others, but I do not remember the others.

Student: Machiavelli.

LS: Machiavelli was? Here is one point which is interesting. In the first edition it was said, "If a great man of this kind erred." The great man seems to be Boulainvilliers rather than the Abbe du Bos. I do not know, he doesn't give any reasoning for that. Now are there any questions you would like to raise with a view to chapter 30? Mr. Bruell.

Mr. Bruell: Did you indicate that you couldn't use the term "family," or there wouldn't be a family in the state of nature?

LS: In what sense? You know how it is in Hobbes. There is the act of generation of children; the child belongs to the mother; and whether the generator stays with the mother for the period of her pregnancy and beyond—there is no obligation of any kind. That presupposes already a society, a community, which makes it obligatory for him to stay with her and to take care of her and the child.

Student: Montesquieu had never spoken of a state of nature before.

LS: Oh yes, he mentioned it, for example, when he spoke of this, that the Germans were at the time of Tacitus in a state of nature, he had mentioned in the eleventh Book, probably in chapter 6. But he had spoken of the state of nature also in Book I, chapter 2, if I'm not wholly mistaken.

Student: Well I'll check, but I don't think he ever used that term. He used the term "the state of war."

LS: Well, all right, I'll see. Is there any other point anyone would like to raise?

Student: He speaks of such a state where men wouldn't have any other laws, before the establishment of society, such a state, but not—

LS: Yes, but that was meant by the state of nature, but it is indeed interesting that he doesn't use the term, if you are correct.

^{xii} *Spirit of Laws*, vol. II, bk. XXX, ch. 25, 217.

Now, first regarding the chapter on Charlemagne, chapter 18, I believe there is another chapter on an individual in the book. Does anyone of you remember it? Book X, chapter 14, Alexander the Great, also a conqueror. And in order to form a proper judgment on XXXI, chapter 18, one would have to consider the judgment on Alexander. I believe that Alexander the Great appears to belong to a higher level from Montesquieu's point of view than Charlemagne.

Student: As a monarch?

LS: Sure, as a monarch. Alexander was surely a monarch. And he also, just as Charles defeated the Saxons and established this Franco-German rule, ruled not only the Frankish land but also Germany. Therefore this is in a way comparable to the terrific thing which Alexander made, Greeks and Persians under the same rule. There is one point which I mentioned already before, where he makes an allusion to Charlemagne's inconstancy. Let us read the first two paragraphs of chapter 20.

Mr. Reinken: "When Augustus Caesar was in Egypt he ordered Alexander's tomb to be opened; and upon—"

LS: That reminds us of Alexander incidentally.

Mr. Reinken: "—and upon their asking him whether he was willing they should open the tombs of the Ptolemies, he made answer that he wanted to see the king and not the dead."

LS: The Ptolemies, you know, were the Egyptian kings, the successors to Alexander.

Mr. Reinken: "Thus, in the history of the second race, we are continually looking for Pepin and Charlemagne; we want to see the kings, and not the dead.

"A prince who was the sport of his passions, and a dupe even to his virtues; a prince who never understood rightly either his own strength or his weakness; a prince who was incapable of making himself either feared or beloved; a prince, in fine, who with few vices in his heart had all manner of defects in his understanding, took the reins of the empire into his hands which had been held by Charlemagne." ^{xiii}

LS: So, in other words, he had few vices in the heart, and one can perhaps say that he had many virtues of the heart. But he had surely great defects of the mind, and that was decisive. This is an old question and has been discussed by the master of those who know in the *Politics* where he raises the question: what are the qualities required of a ruler? Which is more important, intelligence or, let us say, decency? And Aristotle in his great wisdom says: that depends. If it is a general, you want to have a very competent general, and if he has some private vices that is less important; but if it is a matter of the treasury—which at that time was not comparable to what a treasury means today—then the most important is honesty, an honesty which many people have, but he doesn't have to be particularly clever, on the contrary. So this question is old and of course always

^{xiii} *Spirit of Laws*, vol. II, bk. XXX, ch. 20, 246.

known; but the moral qualities, nevertheless, from time to time one sees that they are important, though it is easy to poke fun at them. Let me see. Let us read the end of the book, which we must under no circumstances forget, only the last paragraph.

Mr. Reinken: Page 267. "I finish my treatise of fiefs at a period where most authors commence theirs."^{xiv}

LS: "at the *point* where most authors commence theirs." That is the claim. In other words, how can you interpret that; what does this mean? Well, the feudists, the professors of feudal law, presented the feudal law as it was valid at the time, i.e., in its final finished form. Montesquieu goes back to the origins, and he starts relatively early in its development because he's chiefly interested in the origins. What does this mean?

The editor of the French edition makes this point: "Montesquieu wished to say that instead of exposing the law of fiefs in all its details as it was practiced at the end of the *ancien regime*, as did the authors of the treatises on feudal law, he has preferred to seek the spirit of the feudal law in its historical origins. The use of history in order to make clear the law in its vigor was very much in his method, and that was an innovation in the eighteenth century." And then he quotes a passage from Montesquieu's manuscripts: "I would have many things to say, but I would fear that this would become a matter of pure, or mere, erudition."

Now that is the key point. There have been people who wrote about these matters, but these were mere antiquarians. The great change which was effected by Montesquieu and his many followers in the nineteenth century is that this is no longer antiquarianism. I mean, it may be as bad as mere antiquarianism—that is not a question into which I will go—but it is something in itself radically different from antiquarianism, because antiquarianism has chiefly the motive of love of one's people's antiquity, which is a very laudable motive, but which is not the highest motive which a man can have in study. He says, "I would like to speak not to the memory of my readers [as the antiquarian would], but to their *bon sens*, common sense. And one is through quickly when one addresses the common sense rather than the memory. I would rather teach them to consider the laws in their origin, rather than to make a book on the origin of the laws." In other words, an exhaustive, definitive treatment is not his intention, but to invite them to a new way of looking at⁶ [the laws], understanding them in their genesis.

A point which was raised before, I believe by Mr. Reinken, where I brought up the old point, the good as the old as the model. Now we must of course distinguish that from the historical approach of the nineteenth and twentieth centuries. And the simplest way of doing that is this: if you take the equation of the good and the old seriously, then you are opposed to all change. I mean, you may have grudgingly to admit it, but if you can help it, no change. Whereas, for the historians, the historically minded people in the nineteenth and twentieth centuries, it went without saying that changes have to be accepted. And in this sense the good cannot be the old. That would be the simplest way of stating the difference in a formal manner.

^{xiv} *Spirit of Laws*, vol. II, bk. XXX, ch. 34, 267.

¹ Deleted “of.”

² Deleted “no.”

³ Deleted “Now here we can perhaps”

⁴ Deleted “the.”

⁵ Deleted “right.”

⁶ Deleted “them.”

Session 10: April 27, 1966

LS: Now I do not quite see the relevance of the encyclopedia statement on Louis XIV.

Student: Well, that Montesquieu is implicitly criticizing the monarch.

LS: Yes, there is no doubt about that, but this cannot be proven by the Encyclopedia Britannica but only by Montesquieu.

Same Student: Yes, but there are certain remarks in the book in regards to chapter 21, “He promoted the mean people turning the nobles out of their employment at the court to make room for strangers—

LS: Of whom is he speaking now?

Same Student: He’s speaking of Louis the Debonnaire.

LS: Yes, but the contrast between Louis the Debonnaire and Louis XIV is, of course, overwhelming, because Louis the Debonnaire was a weak fellow and Louis XIV, for good or ill, was a strong fellow.

Same Student: Yes, but the only thing I wanted to say is that his selection of the defects—

LS: I do not know, I believe that you do not take seriously enough his historical intention in Book XXXI, that he tries to describe the genesis of the old French monarchy in the three races—the Merovingian, Carolingian and Capetian. And that there are some implications there bearing on his own age, especially regarding the clergy, I would admit. But I do not believe, for example, that you can find in it the suggestion that the French monarchy should again become elective, if only within the traditional royal family.

Same Student: I was worried about that word. In the first instance I said “suggest” and in the second I said “presents,” because that is probably what it is, more of a presentation than a suggestion. But he does it so many times, I think five or more.

LS: Yes, but I believe, is not the chief reason¹ [for this] the connection with the simple principle of primogeniture as regards royalty and primogeniture regarding the fiefs? Is this not the main point?

Same Student: Yes, that one changed the other, but both weakened the government and the nation.

LS: Yes,² but they brought about the final feudal order as it was from roughly 1000 on. Good. You are quite right, one must go back to Books III following, or II following, in order to understand what Montesquieu means by monarchy. And there the intermediary

powers are of course the distinguishing characteristic, the characteristic distinguishing monarchy from despotism. The nobility is very important. But what does he say there about the clergy? He also mentions the clergy there, doesn't he?

Same Student: Yes, he just merely states that [at] one time the privilege of appointing bishops and other ecclesiastical officers had belonged to the king—

LS: No, that is not the point, but that there is a relatively independent clergy is necessary for the monarchy.

Same Student: Yes, but not in the same way that the nobility is.

LS: There is a stronger emphasis on the nobility rather than the clergy?

Same Student: Yes.

LS: Yes, that is probably correct. The general problems raised by the last book or books, we have discussed before. There is no particular passage which need detain us now, unless anyone of you thinks that there is. We have discussed some of the passages last time. Is there any point we should bring up, or on the basis of the paper? There was one point: when you spoke about despotism, the position of the vizier, the prime minister, what is that, what was the precise statement?

Same Student: That he might be attempting to put—

LS: No, no, what is his position? In one sense he has absolute power?

Same Student: Well, he seems to think this is according to the genius of the people, although—

LS: Can you read that sentence?

Same Student: From my paper?

LS: Yes, because you didn't give the chapter, so it was hard to find.

Same Student: There is a quotation?

LS: Yes, yes, that was my impression anyway. Well, if you can't find it—

Mr. Reinken: I think I remember the point, that the viziers which depend on the prince rather than on the nation are the mark of despotisms. And the vizier is most reprehensible because he feels himself to be everything and the people to be nothing.

LS: The people to be nothing, not himself to be nothing?

Student: Yes, the people to be nothing. And one might fairly regard the ministers of Louis XV as viziers.

LS: Yes, that is what I was concerned about. But he is in a way all-powerful, and yet a single thing which he does to the king, he is deprived of his power. And he has absolute control over the people while he lasts. This is a natural transition to the *Persian Letters*. He is like the eunuch in a seraglio. But this is, as I say, a natural transition, and the simple thing now is to ask Mr. Meriwether to read his paper on the first twenty-two or twenty-three letters. [Paper is read]

LS: Now, first one point. You mentioned the date, 1721. That is 27 years before the first edition of the *Spirit of Laws*. And this gives rise to one well known difficulty: is the Montesquieu of the *Persian Letters* the same as the Montesquieu of the *Spirit of Laws*? Now we have some understanding of the later Montesquieu, and we cannot answer the question before we have read and discussed the *Persian Letters*. We must be open-minded. Maybe he was the same, meaning in the decisive respects; and maybe he changed his mind.

You mentioned, among the various items which this work discusses, the comments on the French Regency. Granted that Montesquieu deals with that, but what would be the connection with, say, such a non-topical subject as the Troglodytes? Say, if today a literary man would make comments on the LBJ administration, that can easily be done. And Montesquieu, of course, could also have done this for the Regency. But what is the difference between Montesquieu's *Persian Letters*, even if we consider only the part which we have read for today, what is the difference between comments on the Regency, I mean say the journalists' comments on the regency and Montesquieu's comments?

Student: I'm not quite sure that I understand, but I would think that Montesquieu's comments are less direct—

LS: Yes, that we take for granted, but the more interesting difference? Mr. Roos.

Mr. Roos: Well, one simple difference, it would seem that today a journalist would comment on specific policies, specific persons; whereas Montesquieu, in using something like . . . more universally—

LS: Yes, but that is not precise enough.

Student: Well, when he speaks about the Regency he speaks as a Persian; when he speaks about the Troglodytes he speaks as—

LS: That also doesn't—I mean something very simple. A commentator ordinarily appeals to certain principles of judgment. Or if he conceals them, that becomes a satire. So, it is not value free either. But what Montesquieu does is shown already by the Troglodyte series, that he states the principles themselves and justifies them. Whether this is sufficient is another matter, but it is surely something which must be said.

And then among these categories which you used for a general characterization of the *Persian Letters*, there occurred the words, “³epistolary novel” and “⁴[a] novel of ideas.” Are these mutually exclusive things?

Mr. Meriwether: No.

LS: No, obviously. So, what do you have in mind or what did the individual from whom you quoted have in mind?

Mr. Meriwether: It wasn’t a direct quote, but I noticed that some of the comments that he referred to, well in the introduction for that matter I think it refers to it as a mixed genre, and as having been cited as an epistolary novel. There are other commentators on the *Persian Letters* who have suggested that it is novel of ideas. I was just—

LS: I see. In other words, you didn’t mean to use these as distinctions.

Mr. Meriwether: No.

LS: But, nevertheless there is a distinction which could be implied. When we think of a novel today we mean primarily some account of some human deeds and sufferings, I take it. And ideas are not human deeds and sufferings. So what Montesquieu did, since there are quite a few human deeds and sufferings mentioned here throughout the book, and there are also, as your authority calls it, ideas. Now what is the relation between these two things: deeds and sufferings, and ideas—in such a book? What is a possible connection, let us rather say.

Mr. Reinken: In this book the concrete deeds and sufferings are very much subordinate to the ideas, are virtually but examples. And he’s not trying to grasp these accidental things and concentrate on them in their peculiarity, but they are almost, “see what I was telling you.”

LS: But what is more important? In one sense surely the ideas are more important; but in another sense the other story might be more important. Well, we have discussed that when we spoke about the *Meno*, you remember, the deed and the speech. Now the deed may be more revealing than the speech. And it is, I believe, wiser to start from this distinction than the other one.

Now one remark regarding the future of this seminar. From now on we won’t have any papers, but this is perhaps a blessing, for those who are condemned to read papers. But otherwise it increases the responsibility of everyone of us. We all must read the assigned reading so that we can have a useful discussion. So next time we will discuss numbers 24-47. And you should all of you read the first 23 letters if you haven’t done it, otherwise you cannot follow it. And I can assure you will not be bored. It is not like reading the *Journal of Sociology*, or something of this kind. It is very far from that. By which I do not

want to say anything against the *Journal of Sociology*. But it is not the kind of amusing reading which one would choose on this ground. Good.

Now, the *Persian Letters*. Now let us see how this begins. Usbek writes to his friend Rustan who lives in Ispahan, Persia. It is probably still called Ispahan. I'm not an expert on that. They change their names frequently, you know. There was a place called Constantinople, but no one would call it [by] that name anymore. Good. Now let us read the very beginning.

Mr. Reinken: "We stayed only one day at Qum. After we had finished our devotions on the tomb of the Virgin who gave twelve prophets to the world, we continued our journey—"

LS: And so on. That shows already the spirit, a virgin who gave birth not to one prophet, but to twelve. Yes, next paragraph.

Mr. Reinken: "Rica and I are perhaps the first among the Persians who have been moved by a desire for knowledge to leave their country and to give up the saviors of a peaceful life that they might go seek wisdom the hard way.

"We were born in a flourishing kingdom, but we did not believe that its borders should be those of our knowledge nor that Oriental insight alone should enlighten us."ⁱ

LS: "the Oriental light should alone enlighten us." Incidentally, is the Introduction in your translation? We should read the fourth paragraph.

Mr. Reinken: "The Persians who wrote these letters were staying with me; we spent our lives together. Since they thought of me as a man from another world, they hid nothing from me. As a matter of fact, people transplanted from such a distance could no longer have any secrets. They passed along to me most of their letters; I copied them. I even came upon some that they would have taken pains not to let me see, so mortifying were these letters to Persian vanity and pride."ⁱⁱ

LS: "and jealousy." Good. You see, he allows for the possibility that there were some letters that he was not shown. So the frankness is not one hundred percent, not necessarily. Now Usbek, this much is clear, is concerned with wisdom. And wisdom means also—it is only another expression of the same thing—he wishes to liberate himself from his prejudices, a desire which the author of the book has in common with him. Now liberating from prejudices, this is connected with traveling. That's an old story. You only have to read the very beginning of the *Odyssey* to see that: "Odysseus also had seen the laws or mind of many cities" and this is connected with his peculiar kind of wisdom. Liberation from prejudices is a kind of alienation, learning to look at one's own with the eyes of an alien, with alien eyes. That is the most general consideration

ⁱ Montesquieu, Charles de. *The Persian Letters*. Translated by J. Robert Loy (Cleveland & New York: Meridian Books, 1961), Letter I, 47.

ⁱⁱ *Persian Letters*, Introduction, 43-44.

underlying the whole work and all works of this kind which are not merely frivolous. This is one major item in Usbek's life, but there is another one, a concern equally powerful which we cannot overlook. And what is that?

Student: To keep his womenfolk safe.

LS: Yes, a concern with his wives. Let us see in the second letter where he writes to the black eunuch, at the end of the second paragraph.

Mr. Reinken: "You find your glory in rendering them the lowliest service; you yield with fear and respect to their legitimate commands; you serve them like a slave of their slaves. But, by an exchange of authority, you command as master like myself whenever you fear a weakening of the laws of decency and modesty."ⁱⁱⁱ

LS: Yes, and now in the next letter, the letter of one of the women, Zachi, let us read in the second paragraph. I will find it, when she describes how nice she was to him and how obedient: "I had to appear to your sight in the simplicity of nature (which means without any clothes). I counted *pudeur*, modesty for nothing." Now you see, that is interesting. There are laws of shame which the eunuch has to enforce, but which do not exist in the relation of Usbek and his wife. This is an important consideration. So these are the two pillars, as it were, his concern with wisdom, and his concern with his women. Now this needs of course an interpretation which we will arrive at soon. Now let us turn to letter 5. We cannot possibly read all of them, in class I mean.

Student: Could you say that he is more than just concerned for his women? His women apparently represent his honor. So, in a way, you could say he is concerned with keeping his honor safe.

LS: You can say that, sure. But still, there are various ways in which a man can be concerned with his honor. And why does this function here only through the women? That would be the question, would it not? I mean there are people who are very much concerned with honor, soldiers for example, whose honor does not depend on women in particular. So this would still remain. What this means we will see.

To begin with it is obvious. A Persian gentleman, let us say, who has this rare concern with acquiring wisdom—there were not yet organized trips with airplanes where you could see the whole of Europe in two weeks under expert guidance. So that was a risky and difficult business. And this man takes this very great trouble,⁵ who has only one worry all the time, and this is his women—these women who are locked up and are starved only so that he can acquire wisdom. You see, while this desire for wisdom is something very creditable to him, one can say he is very unfair to his women. He should have taken them with him, as today probably they would do. I have seen quite a few students here from polygamous countries who bring their wives over, but they don't themselves have many wives, I believe, at least as far as I can judge.

ⁱⁱⁱ *Persian Letters*, Letter II, 48.

Now let us turn to letter 5 where we find further information about Usbek, in the letter from Rustan where he says in the second sentence, “One cannot understand that you can leave your women, your parents, your friends, your fatherland in order to go into climates unknown to the Persians.” Incidentally, the women are mentioned in the first place. Why is this so? So this gives an occasion for Usbek to explain why he leaves. The act is an irrational act; no Persian has ever done that, but he does it. In the next letter where he writes to his friend Nessir, in the last paragraph, the beginning.

Mr. Reinken: “It is not so much that I love them, Nessir. In this respect, I find myself in a state devoid of feeling, leaving me with no desires at all. In the well-populated seraglio where I lived, I anticipated love, and destroyed it by loving. But from my very coldness there grows a secret jealousy which devours me.”^{iv}

LS: In other words, it is not love simply; it is not even mere desire; it is jealousy which is underlying his concern for the wives, the women. And then when we turn to the letters from the wives, for example letter 7, we see the wives love him. They love him, but their love is not free from difficulties; they are compelled to love him. And he, being a free man, is not compelled to love them. Now let us see in letter 7, when Fatima writes to Usbek, the second paragraph.

Mr. Reinken: “When I married you, my eyes had never yet beheld a man’s face. Yours is still the only one I have been permitted to see—”

LS: And the end of this paragraph.

Mr. Reinken: “Usbek, I swear it, I should choose only you. In all the world, there can be only you worthy of being loved.”

LS: Yes, now what is the logic here? Is it good logic? What’s the defect? We don’t have to go into any subtleties of logic.

Student: She doesn’t know any other men.

LS: So there is no possible comparison. In other words, her love is based on ignorance. Now this fact lends itself to a broader consideration, because in another way what is true of Fatima is true of all Persians except Usbek, and also people not Persians. So, I suggest this proportion: this particular seraglio to Persia, equal to Persia to the world. Just as people think their own is the best, in many cases because they do not know anything else, the same is true—it’s an old story. Herodotus has quite a few things to say about this, and so on. As for the misery of the wives in the seraglio, we can perhaps read in the same letter, the end of the third paragraph from the end: “Far from being happy, she doesn’t even have the advantage of serving to the happiness of another —”

^{iv} In original: “It is not so much that I love them, Nessir. In this respect, I find myself in a state devoid of feeling, leaving me with no desires at all. In the well-populated seraglio where I lived, I anticipated love, and destroyed it by loving. But from my very coldness there grows a secret jealousy that devours me.” *Persian Letters*, Letter VI, 51.

Mr. Reinken: “—useless adornment of the seraglio, kept for the honor and not for the happiness of her husband!”^v

LS: Yes. Now let us read the final paragraph. You see, what the procedure suggests is that we just read, and let us see what considerations come up and try to put them together whenever we have enough material to put them together. The next two paragraphs:

Mr. Reinken: “You men are very cruel! You are delighted that we should have passions we cannot satisfy. You treat us as if we were without feelings and yet you would be very displeased if this were so. You think that our desire, frustrated for so long, will be better aroused at the sight of you. It is difficult to make oneself loved. It is easier for you to glean from the affliction of our senses—”

LS: “from the despair of our senses”

Mr. Reinken: “—from the despair of our senses what you dare not expect from your own worth.

“Farewell, my dear Usbek, farewell. Know that I live only to adore you. My soul is completely filled with you; and your absence, far from making me forget you, would enliven my love for you if it could possibly become any more violent.”^{vi}

LS: Yes, so, in other words, the relation here of men and women, of course in Persia, is like that of gods and human beings. She adores him; there is nothing in the world—that is the double meaning of this sentence—there can be nothing in the world which merits to be loved as you. There she deifies him. I note in passing that hitherto there has not been a trace of piety in the women’s letters. Am I not right? Piety will come in its proper place. Someone raised his hand.

Student: I was going to broaden that. The eunuch seemed to remind somehow in their discipline of the celibate clergy.

LS: Sure, but we must wait until this develops. Good. I’m glad that you see this possibility. It’s very hard to draw precise bounds to one’s imagination in such a book. Now let us read the beginning of letter 8.

Mr. Reinken: “Usbek to his friend Rustan:

“Your letter reached me at Erzerum, where I now am. I was quite sure that my departure would cause talk. I am not at all upset by it. Which would you have me follow: the good judgment of my enemies, or my own?”^{vii}

^v In original: “Far from being happy, she doesn’t even have the advantage of serving to the happiness of another useless adornment of a seraglio, kept for the honor and not for the happiness of her husband!”

^{vi} *Persian Letters*, Letter VII, 52-53.

LS: He gives now for the first time his prehistory, what led him to become a traveler. And that is done in the next two paragraphs.

Mr. Reinken: “I came to court at a very early age. I can say that my heart was in no way corrupted there. I even formed a noble resolution: I dared to be virtuous in those surroundings. So soon as I recognized vice, I withdrew from it, but I came back to it again to unmask it. I carried truth to the very steps of the throne. I spoke there a hitherto unknown language; I brought flattery to confusion, and astonished at once both the worshipers and their idol.

“But when I realized that my sincerity had made enemies for me, that I had drawn on myself the jealousy of ministers without having won the favor of the Prince, and that in a corrupt court I managed to maintain myself only by an already enfeebled virtue, then I decided to leave.”^{viii} I pretended to possess a great devotion to learning, and by dint of pretense, such devotion actually came to me. I became involved in no more intrigues and withdrew to my country house. But this solution had its own disadvantages. I still remained exposed to the malice of my enemies, but I had almost completely removed the means of protecting myself from them. Some confidential advice made me think seriously about my future. I decided to exile myself from my country, and my withdrawal from the court provided me with a plausible pretext. I went to the King. I pointed out to him my great desire to become educated in Western sciences. I hinted that he might draw some profit from my travels. I found understanding in his eyes. I left and thereby robbed my enemies of a victim.”^{ix}

LS: In other words, the immediate cause of his trip is fear for his life. So his flight, exile, voluntary exile. But his women are [safe] there somehow, as he presupposes. And that depends only on the eunuchs, whether they can be trusted; and we will find some difficulties later.

Now let us turn to the next letter, which is the longest hitherto, the letter of the first eunuch, Ibbi. Now we cannot possibly read the whole thing. This describes the misery of a eunuch. He has lost all pleasures except that of commanding. He must engage in considerable hypocrisy. We can perhaps read that passage at the end of the sixth paragraph: “They form projects and I stop them suddenly; I arm myself with refusal—”

Mr. Reinken: “I fortify myself with refusal; I bristle with scruples. There are never any other words in my mouth except duty, virtue, decency, and modesty. I bring them to

^{vii} In original: “Usbek to his friend Rustan in Ispahan: ‘Your letter was delivered to me at Erzerum, where I now am. I was quite sure that my departure would cause talk. I am not at all upset by it. Which would you have me follow: the good judgment of my enemies, or my own?’”

^{viii} In original: “But when I realized that my sincerity had made enemies for me, that I had drawn on myself the jealousy of ministers without having won the favor of the Prince, and that in a corrupt court I managed to buoy myself up only by an already enfeebled virtue, then I decided to leave.

^{ix} *Persian Letters*, Letter VIII, 54.

despair by talking continually about the weaknesses of their sex and the authority of the master. I thereupon complain of having to be so severe, and I pretend to want them to understand that I act from no other motive than their own well-being and my great affection for them.”^x

LS: Yes, which of course doesn’t exist. The eunuch is the unloved one. The women love Usbek, who doesn’t love them. But the eunuch is not loved by anyone; that is characteristic of him. But he⁶ [has] power. Now this fact, that he is not loved, is the source of his power and is at the same time the limit of his power. And that is described at some length and by going into all kinds of details. Yes, and then there comes the letter from Usbek’s friend, Mirza. And this gives an inkling of what the situation in Ispahan was before Usbek left.

Mr. Reinken: “We dispute here many things. Our discussions usually turn on the subject of ethics.”^{xi}

LS: Now the last paragraph. That is enough.

Mr. Reinken: “I have spoken to some mullahs who drive me to despair with their passages from the Koran, for I do not speak to them as true believer, but rather as man, citizen, and father.”^{xii}

LS: So that also sets the stage. The concern is with morality, with ethics, but with rational ethics. And the clergy, the mullahs, they are of no interest to him. And, of course Mirza wouldn’t write this to Usbek if there were not also Usbek’s own position. This is clear. Now this is a natural transition to these next four letters of which Mr. Meriwether has said quite a few good things, namely about justice. Here we hear Usbek’s opinion about justice, i.e., about morality—these subjects are not distinguishable. His reasoning in favor of justice, i.e., against unqualified selfishness, and the reasoning simply—that is beautifully stated but in no way novel—the mutual dependence of men makes it absolutely impossible for any man to be unqualifiedly selfish.

Mr. Meriwether referred to Plato, and one can think especially of Books I and II of the *Republic*, Thrasyarchus’ argument and the argument of Glaucon. Yes, but what is the difference between the position taken by the early Troglodytes, Mr. Meriwether, and the position taken by Thrasyarchus and Glaucon? I mean after all this is very elementary, that no one can live well, at least in the ordinary sense of the word “well,” without the

^x In original: “I fortify myself with refusal; I bristle with scruples. There are never any other words in my mouth save duty, virtue, decency, and modesty. I bring them to despair by talking continually about the weakness of their sex and the authority of the master. I thereupon complain of having to be so severe, and I pretend to want them to understand that I act from no other motive than their own well-being and my great affection for them.” *Persian Letters*, Letter IX, 56-57.

^{xi} In original: “We discuss many things here. Our discussions usually turn on the subject of ethics.”

^{xii} *Persian Letters*, Letter X, 58.

assistance of other human beings, and therefore you have to oblige them, otherwise they won't help you. That is so trivial that Thrasymachus and Glaucon know it. Now what was the trick with the help of which Thrasymachus and Glaucon get out of this difficulty, and which is not mentioned here, Mr. Meriwether? Or is it a long time since you have read the early part of the *Republic*? You remember in Glaucon it is especially clear by the beautiful simile that he uses, how a man could be most unjust and get away with it.

Student: You mean the ring of Gyges?

LS: Yes. In other words, privileged individuals get out, can avoid this difficulty. And this reference to privileged individuals is here absent, because a privileged individual can, a very clever individual that is, by nature or by training, can cheat the people with whom he lives and pretend to be their friend successfully while hurting them. So from this privileged man's point of view, which is the criminal point of view, the squares are fools; whereas from an ordinary man's point of view the squares are sensible people, because you have to be decent otherwise you cannot expect others to be decent to you. But there are some particulars which we have to consider. You rightly say these people destroyed themselves by their unmitigated and stupid selfishness. But a few of them survived and they bring about a flourishing society. Yes, that is true. You also mentioned Hobbes in this connection. What is Hobbes' argument, Mr. Meriwether?

Mr. Meriwether: Hobbes argues that in the natural state of war the commonsensical men believing in banding together in order to avoid chaos.

LS: But if you follow the Hobbean argument, first they get into these troubles, the war of everybody against everybody, and then they see that they are fools, and then they establish peace. Now let us read in letter 12 paragraph 7. Now when these sensible Troglodytes established a prosperous society, a marvel of a society, and now in the evening —

Mr. Reinken: "In the evening, when the flocks had left the plains and the weary oxen had brought the plow home, they would congregate, and over a frugal meal, sing of the injustice and misfortunes of the first Troglodytes, of the rebirth of virtue in a new people, and of its felicity."

LS: Yes, "of a new people" and "the injustice of the first Troglodytes"—does this not remind exactly of Hobbes? The first state, the original state, the state of nature, they are foolishly engaged in war. And then in the second stage, after having gone through that experience, they become sensible. So, in other words, the state of nature was the bad state of nature, if this is correct.

Student: Isn't the difference that it is less of a rational calculation? The reason is there, but it's wrapped up in the charms of songs and worship to the gods, and the two Troglodytes who started it were not clever fellows, but their hearts were in the right place.

LS: All right, that is true. But what Usbek states, however, is the rational superiority of the just men compared with the unjust men.

Student: But that rational superiority works because it is supported by sentiment.

LS: All right, but this would not contradict the fact that unqualified selfishness is foolish. And you said religion supported it. That is perfectly true. What kind of religion?

Student: Polytheistic.

LS: Polytheistic, that's important. So the simple view which sometimes you find in the literature, that Montesquieu is perhaps a deist—you know what⁷ deist⁸ [means]? A single God, the Cartesian God as some people say—that is not the basis here. A polytheistic religion of the right kind, of course not with Zeus murdering his father, that would be—you wanted to say something?

Student: Yes. From paragraph four on, I thought that at this point we see a difference between the Troglodyte teaching, which I take to be Montesquieu's, and the main line of the *Spirit of Laws*, namely that *douceur* is associated here in this rather pastoral idyll, but in the *Spirit of Laws* we were shown that virtue, the stern inhumane laws that kept up republican virtue, went against these friendly, equitable family relations. He has a much sadder teaching which contradicts the possibility of the Troglodyte idyll.

LS: I was surprised about the certainty with which you said the Troglodyte teaching is Montesquieu's teaching. It is Usbek's teaching. Let us always be careful. Let us read this fourth paragraph incidentally to which you referred.

Mr. Reinken: “Who could describe the happiness of these Troglodytes?^{xiii} Such a just people must have been cherished by the gods. As soon as the Troglodytes opened their eyes and knew them, they came to fear them, and religion came to smooth off any excess of roughness left in their customs by nature.”

LS: Sure, in other words, religion is necessary to bring the morality to its peak. That is important. And the beginning of the last paragraph of this letter:

Mr. Reinken: “Nature ministered no less to their desires than to their needs.”^{xiv}

LS: So, in other words, nature is good, and therefore justice is natural—that's connected. But if there should be some trace of Hobbeanism, meaning a bad state of nature, then the goodness of nature must be questioned. This I suggest now only as a question. What did you want to say?

Student: I think that the whole passage actually suggests that there are two possible states of nature, that is, no civil society: one which is the state of nature of Hobbes; and

^{xiii} In original: “Who could describe here the happiness of these Troglodytes?”

^{xiv} *Persian Letters*, Letter XII, 63.

then the second one is the state of nature more or less of Rousseau, where everybody is happy and you don't have any government.

LS: But they don't live together in the Rousseauan state of nature. These are isolated, stupid animals. Or do you mean what people ordinarily believe Rousseau had thought about the state of nature?

Same Student: Well, yes.

LS: But then it is better to refer to Locke. The state of nature is the state of peace. Even there it won't work, but at least at first glance there is greater evidence for that. Yes.

Student: Did Montesquieu change his mind about the efficacy of religion, because in Book XXXI, chapter 2 he's discussing how civil government is formed—

LS: Let us wait, let us wait. We are only in the stage in which we try to formulate provisional questions. And let us try to understand these questions first. Now we must finish the section on the Troglodytes. In the thirteenth letter, the seventh paragraph:

Mr. Reinken: "It was announced to a Troglodyte that strangers had put his house to pillage and had carried off everything. 'If they were not unjust men,' he replied, 'I should wish that the gods might give them longer benefit from it than I had.'"

LS: In other words, they are very kind people, and they are not attached to their belongings. Only since unfortunately they had stolen them, and they had shown their injustice, therefore he couldn't wish them the best—very kind people. Now the next paragraph.

Mr. Reinken: "So much prosperity was not observed without envy. Neighboring peoples came together, and on some empty pretext, resolved to seize the Troglodyte flocks. As soon as they learned of such a resolve, the Troglodytes sent ambassadors to them and addressed them thus."^{xv}

LS: In other words, the worldly prosperity which flows from the justice leads to envy and hence to war, and therefore the Troglodytes have to become warriors in addition to being just men. They become excellent warriors and they defeat these dastardly aggressors. Montesquieu doesn't go into any difficult questions here. In other words, how far can you go in defending yourself against an aggressor, and what is the borderline case—he doesn't go into that here. On the contrary, why should there be any difficulty in being both just and brave. Here, that's the solution. Now what is the end of it? That is said in the fourteenth letter. Read the very beginning.

Mr. Reinken: "As their tribe was growing every day, the Troglodytes thought it a proper time to choose a king."

^{xv} *Persian Letters*, Letter XIII, 64-65.

LS: Now the beginning of the next paragraph.

Mr. Reinken: “When they sent the deputies to inform him that their choice had fallen on him—”

LS: Namely, the justest among them. They were a just people, and therefore once they wanted to have a king they wanted to have the justest man as the king. That is very fine.

Mr. Reinken: “—he said, ‘God forbid that I—”

LS: Wait, wait.

Student: Why God?

LS: Yes, that is a sign of his justice. The others were less just and were polytheists. They were very fine people, but—honestly, that is what he means, I think. Yes, and what does this wise man say? “God Forbid that you should establish a monarchy.” “Then he shouted with a severe voice —”

Mr. Reinken: ““I can see what is happening, Troglodytes!^{xvi} Your virtue is beginning to weigh upon you. In the present state of affairs, with no chief, you must be virtuous in spite of yourselves. Otherwise you couldn’t subsist and would fall into the misfortunes of your forefathers. But this yoke seems too hard to you. You prefer to be subjects of a prince and obey his laws, for they are less restrictive than your customs. You know that from now on, you can satisfy your ambition, acquire riches, and languish in soft luxury, and that so long as you avoid falling into great crimes, you will have no need of virtue.”^{xvii}

LS: Let us stop here. So this is, of course, in agreement with what we read at the beginning of the *Spirit of Laws*: republic, virtue; monarchy, something lower than virtue called there honor. This just man is a monotheist, as we have seen, and he also believes in an afterlife, as becomes clear from the end of this letter, whereas there was no allusion to this in the case of the ordinary Troglodyte. You wanted to say something?

Mr. Schaeffer: This may be erroneous or premature, but the fact that they brought their women together with them in defending the city, the fact that their property was somewhat communal, and the fact that they requested a man to rule them who was more just than they but doesn’t want to rule⁹, seems to all bring to mind the *Republic*.

LS: Oh I see, yes. Montesquieu had surely read the *Republic*. How well he had understood it, that is hard to say, because his explicit judgments about Plato were not too enlightening.

^{xvi} In original: ““I can see what is happening, O Troglodytes!”

^{xvii} *Persian Letters*, Letter XIV, 65-66.

Mr. Schaeffer: I was wondering whether this was meant to be a certain critique of that.

LS: Well not so hard and fast. In a deeper sense yes; for that deeper sense we don't need any further proof, because we have seen from the *Spirit of Laws* that after he had set up virtue as the end—and in this context¹⁰ [it mentions] the *Republic* as the document of democracy, you remember, i.e., of concern with virtue—and then he tries to get rid of virtue and replace it by something more comfortable than virtue, what he calls “freedom.” Therefore it is clear that this man, this author, has understood the principle of the old tradition—whether in its classical or Christian form, that is not important at this point—and then he turned away from it on grounds of which we have spoken when we spoke of the *Spirit of Laws*. I mean, how far he thought in writing such a statement of Plato in particular, that is hard to say. But anyone who thinks of the problem comes, more or less clearly, to these alternatives. And if he doesn't have the guidance of great men, he will not be very deep in his analysis, but the alternatives he can understand. After all, the simple one is, is there such a thing as virtue meaning the capacity to overcome unqualified selfishness, or is there not? I think that can be made clear to the meanest capacities, and we don't need Plato for that. Only for sufficient elaboration of all the implications it is helpful indeed to have good helpers. Yes.

Student: There's a sort of crucial difference too, isn't there, between why the wise man here refuses to accept rule and why the philosophers in the *Republic* did not want to rule?

LS: Yes, that is very true. Now who is juster?

Same Student: The man here in a sense.

LS: Very good, sure. Why do philosophers decline to rule?

Same Student: Because they don't want to spend their time that way.

LS: They live on the Isle of the Blessed without ruling. Yes, you are perfectly correct. There is, I'm sure, more to that than we have brought out. Yes.

Student: Well, could this man's monotheism be taken also as a sign of the corruption that the country had come to in wanting to choose a king. His interpretation is, they wouldn't have done that before the ancestors. And it reminds also of the very famous instance of Israel choosing a king.

LS: Oh yes, Samuel, we must see that. The next letter is of some importance that deals in a more drastic way with the way of life of the eunuchs. Let us try to keep these considerations which we discerned in mind so that we can then go on next time. And please take to heart my admonition, do read these letters so that we can have a discussion.

¹ Deleted “because of.”

² Deleted “but still.”

³ Deleted “the.”

⁴ Deleted “the.”

⁵ Deleted “and.”

⁶ Deleted “is in.”

⁷ Deleted “a.”

⁸ Deleted “is.”

⁹ Deleted “them.”

¹⁰ Deleted “has mentioned.”

Session 11: May 2, 1966

LS: Now we don't have a paper today, so we can start right away. Let me remind you only of a point which you might forget. We have observed the two different concerns of the chief character, Usbek: he wants to become wise, and he is concerned with his women. These are the two pillars of his being. Now the relation of the two things, wisdom and wives, is not identical with that of theory and practice for this reason: everyone who wishes to become wise and to lead a life devoted to the quest for wisdom must of course also take care, as most of you know from bitter experience, of the external conditions of his quest. He must either have money and then administer it well, or else earn money. This is practical. But there is no necessary relation between acquiring wisdom and having a harem. So we must leave these things open, how they are related.

Now the most important section we have hitherto discussed is found in letters 11-14, the story of the Troglodytes, the story of justice. The term doesn't occur there, but Montesquieu speaks in fact of natural law. And natural law of course is distinguished from the positive law, a subject which comes up again and again. If I may mention this in passing with a view to what we said on the last few books of the *Spirit of Laws*, the distinction between natural and positive is the immediate ancestor of the distinction between natural and historical. From a certain moment on what hitherto had been called positive law, positive religion, and so on, came to be called historical. And that meant, of course, a complete re-interpretation of the same thing. The whole problem therefore can be reduced to this simple formula: why was "positive" in this meaning replaced by "historical." Yes.

Student: I don't understand how the historical replaces only what was positive. It seemed to replace what was considered before to be natural as well. I mean there were certain—

LS: That was eventually the case, that is true. But primarily there was no question. Whereas people formerly spoke say of natural religion, this was dropped to only historical religions, positive religions and now they are called historical religions. But the same was not true [of], say,¹ the . . . heaven, a natural phenomenon that² was now said to be not natural but positive. Surely what I say doesn't go in any way to the root of the matter. It is only a simple formulation of the question to be asked.

But to come back to these letters on the Troglodytes, the natural law as presented there is in need of support by natural religion. And this natural religion is not necessarily monotheistic, to put it mildly. Ordinarily it is polytheistic there. But this causes a great difficulty. These letters present justice as manifestly beneficent. The alternative is injustice which leads to the war of everybody against everybody. But why are divine rewards and punishments necessary if justice is manifestly beneficent? So this is, I think, the deepest question we have hitherto come across.

And now let us turn to the fifteenth letter. And read perhaps the third paragraph, and you must of course tell us who writes it.

Mr. Reinken: “The first eunuch to Jaron, the black eunuch, at Erzerum.”ⁱ

“The time came when my master cast his eyes on you. Nature was far from having her word when the blade separated you forever from nature. I shall not say whether I pitied you or whether I felt pleasure in seeing you raised to my level. I quieted your tears and your outcries. I thought of you as having a second birth and taking leave of a servitude in which you always had to obey, to enter another kind of servitude, where you were to command.”ⁱⁱ

LS: Now, this is the most emphatic statement on eunuchs which we have come across. Becoming a eunuch is a second birth for which one enters into a servitude where one must command. That has very great implications, some of which have been touched upon last time. This letter is immediately followed by one of Usbek to the mollah Mohammed Ali, guardian of the three tombs, a letter which unfortunately we cannot read but which is a clear document of Usbek’s Islamic orthodoxy. And one must wonder whether this is not a precautionary measure on the part of Usbek. But we cannot yet say that. But we see from the seventeenth letter that Usbek’s orthodox statement, his protestations of his orthodoxy, as it were, are only the introduction to the presentation of his doubts, and these doubts concern the ceremonial law. Now let us read the beginning of the second paragraph of letter 17.

Mr. Reinken: “Whence does it come that our lawgiver deprives us of the flesh of the pig and of all the other meats he calls untouchable? Whence does it come that he forbids us to touch a dead body, and that to purify our souls, he commands us to wash our bodies tirelessly?”

LS: “body tirelessly.” The beginning of the next paragraph.

Mr. Reinken: “Our senses, dear mullah, should therefore be our sole judges of the purity or impurity of things.”ⁱⁱⁱ

LS: I.e., our senses, what we ourselves perceive, in contradistinction to any revelation. And now in the next letter Mohammed Ali justifies the ceremonial law, the Islamic ceremonial law, which he does in a rather fantastic way; in other words, which is not likely to carry conviction with anyone except someone who believes in these things already. Letter 19 deals with the Turkish empire at that time, and this is a very interesting letter because Usbek, or Montesquieu, can say the truth about the Turkish empire without any difficulty. So, that is no problem. The next letter, 20, to one of his wives,³ deals again with Usbek’s jealousy. So here the other theme comes up. Let us read a few paragraphs of this, perhaps the second paragraph. But please, you are all supposed to have read the

ⁱ In original: “The first eunuch to Jaron, the black eunuch, in Erzerum.”

ⁱⁱ *Persian Letters*, Letter XV, 67.

ⁱⁱⁱ *Persian Letters*, Letter XVII, 68-69.

assignment—well, if I am more strict only from letter 24 on, and if I omit anything which you regard as important—Mr. Meriwether.

Mr. Meriwether: I just wanted to mention that Montesquieu does mention the word “justice” in the story of the Troglodytes—

LS: Yes, sure he does, but “natural law,” I said.

Mr. Meriwether: Both “natural law” and the word “justice” appear there.

LS: I didn’t know it. I’ll simply have to look it up again.

Mr. Meriwether: “Humanity equals pity and from this comes the natural law of justice.”

LS: Oh I see, then I had forgotten it. And you want to say something?

Another Student: The insertion in letter 15 about the eunuchs, the phrase that nature was far from having her last word, this comes in between the chapters describing natural justice and the chapters describing Usbek’s doubts about religion.

LS: About positive law, that is the precise word, natural law, positive law.

Same Student: Letter 15 shows that the positive law of the Persians is contrary to natural law.

LS: Perhaps not contrary, but a radical difference. But what you say, let me see—eleven to fourteen deal with the natural law, and 16 following deal with the positive.

Same Student: His doubts about the positive law.

LS: That makes sense, that is good. I’m sure there is a very close connection, and the plan is very well worked out. Whether we can discover it in each case remains to be seen. It depends a bit on our sagacity, but it depends a bit on good luck, whether the right idea occurs to us. There are no idea machines which can solve this kind of problem for us, because we wouldn’t know which questions to put in it in the first place. Now let us turn to letter 20, the second paragraph.

Mr. Reinken: “I have learned that you were found alone with Nadir, a white eunuch, who will pay for his deceit and perfidy with his head. How can you have forgotten yourself to the point of not realizing that you are not permitted to receive a white eunuch in your room when you have black ones provided to attend on you?”

LS: The next paragraph.

Mr. Reinken: “You will perhaps tell me that you have always been faithful. Come now! Could you have been anything else? How could you have deceived the vigilance of those

black eunuchs who are so surprised at the life you are leading? How could you have broken the bolts on the doors that held you in? You pride yourself much a virtue that is not free, and perhaps your impure desires have a thousand times already destroyed the value and worth of the fidelity of which you boast so much.”^{iv}

LS: Yes, we see here what he does⁴ in the harem, only black eunuchs and the way in which they are locked up, so of course also a kind of ceremonial law for the women in the harem which is established by Usbek. The virtue of these women is clearly very different from the virtue of the Troglodytes. It is strictly compulsory—I mean the Troglodytes after they have come to their senses. And letter 21 shows, we have mentioned this before, that the relation of Usbek, the master, to the eunuch is like the relation of the despot, the sultan, to the vizier. But we discussed this last time.

Now to think for one moment about the relation of these two items, wisdom and wives, and since wisdom can be identified to some extent with justice on the basis of the Troglodyte story, justice and love. That’s an old story. Justice is natural, meaning of course not that all men are in fact natural—no one ever said that—but that injustice is a deviation from nature just as disease is a deviation from nature. That was the meaning of that. Justice is natural, but is not also love natural? Is there not the possibility of a conflict between the two, and therefore doubt about the unqualified assertion that justice is natural?

Now the solution of Rousseau is quite interesting, I mean, if we do not go deeply into the matter but take some obvious assertions of Rousseau. In the state of nature all men are just, because they are simple, and so on. Therefore, one could say, there is no love in the state of nature. Sex, of course, but what has sex to do with love, one could almost say. I mean love in the sense of giving preference to this particular woman. This comes out only on the basis of convention, according to Rousseau’s statement in his *Discourse on the Origin of Inequality*. But I mention this only in passing.

Student: In one of the letters we read last time it was mentioned that Usbek’s concern was not so much one of love as one of his honor in preserving his women. We read a passage where he indicates that it’s not love for his women which is motivating him, but a much more conventional concern.

LS: Yes, at any rate, that is quite true what you say. We must not forget that. We will come, I think, later to a qualification of that. Now then we come gradually to the letters about Europe. In letter 24, Rica, a friend of Usbek, writes about Paris, the first impressions about Paris and Europe in general, the restless activity compared with the leisurely pace of the Asiatics. Yes.

^{iv} In original: “You will perhaps tell me that you have always been faithful. Come now! Could you have been anything else? How could you have deceived the vigilance of those black eunuchs who are so surprised at the life you are leading? How could you have broken the bolts on the doors that held you in? You vaunt much a virtue that is not free, and perhaps your impure desires have a thousand times over effaced the value and worth of the fidelity of which you boast so much.” *Persian Letters*, Letter XX, 72-73.

Student: This might be to repeat the point, but the relation between wisdom and the wives, meaning honorable men, might not be so funny if we look at the wives as the honorable man. Now the wise man, it seems to me, would be very much afraid to lose his honor, he would be very concerned about

LS: Why? You may be right, but what is the reason?

Same Student: Well, I don't know exactly why.

LS: But you would have to make it clear. Well, you use the word honor in a different meaning, an honorable man. That has very little to do with *point d'honneur*. When we say "honor" we frequently think of the external, the merely external.

Same Student: Maybe a wise man wouldn't be so much concerned about the external.

LS: Yes, it all depends, but it needs surely some thinking. Mr. Roos.

Mr. Roos: In letter 22, in the first paragraph, Jaron to the first eunuch, he talks about Usbek, he says he no longer has any fears for himself, he fears for what is a thousand times dearer than himself—

LS: Yes, what is the conclusion which you draw from that?

Mr. Roos: Two things: first of all, this is another indication that the wives do indicate honor in some sense for Usbek.

LS: Sure.

Mr. Roos: And secondly that Montesquieu is in a sense parodying his concept of honor, that it can't possibly be wise.

LS: Well, something of this kind was perhaps implied in the whole *Spirit of Laws* in so far as honor was made the principle of the feudal monarchy, and virtue is higher. And if virtue is replaced by something else, it would be replaced by humanity, not by honor. Is that the point you mean? That makes sense, yes. Now to come back to letter 24, it deals also with the French monarchy, the power of vanity and pride in the fifth paragraph.

Mr. Reinken: "The King of France is the most powerful prince in Europe.^v Unlike his neighbor the King of Spain, he has no gold mines. Yet he possesses greater riches, for he draws from the vanity of his subjects a wealth more inexhaustible than mines. He has been known to undertake and wage great wars with no other funds than honorary titles to sell, and by reason of this miracle of human pride, his troops are paid, his forts are armed, and his navies fitted out."^{vi}

^v In original: "The King of France is the most powerful prince of Europe."

^{vi} *Persian Letters*, Letter XXIV, 77.

LS: Yes, which clearly shows the negative meaning of these things, of the concern with what other people think of oneself. And then he speaks of the king of France as a great magician, and he applies the same term to the pope in the next paragraph.

Now in letter 26⁵ he writes to his wife, and here of course we never can tell whether here he speaks with candor as he would to a friend. Just as he has his reservations when he writes to an Islamic clergyman, he has a pedagogic intent in writing to his wives, because he must make sure that they will not begin any funny business while he is away. Now in this letter he speaks above all of the superiority of Persia to Europe, because the Persian women are chaste, modest, and live in harems, and the European women are running around in the streets, which is a sign of great turpitude. Now let us see whether there are some points which are particularly interesting. Well, we might perhaps read the second paragraph which is rather short.

Mr. Reinken: “If you had been educated in this country, you would not have been so troubled; women here have lost all reserve. They appear before men with faces uncovered, as if they sought to request their own downfall. They seek them out with glances; they see them in the mosques, on their walks, even in their homes.^{vii} The usage of having eunuchs for servants is unknown to them. In place of that noble simplicity and lovable modesty which reigns among you, there is to be seen here a brutish impudence to which it is impossible to grow accustomed.”

LS: Yes, what would he have said in the twentieth century? I tremble to think. The second paragraph from the end is also very enlightening.

Mr. Reinken: “It is not that I believe, Roxane, that these women push their outrageous enterprise as far as such conduct might lead one to think; I doubt that they carry debauchery to the horrible excess—which strikes terror in the heart—of completely violating conjugal fidelity. There are certainly few women so abandoned as to go that far. They all carry engraved in their hearts a certain image of virtue, given by birth, weakened by worldly education—”

LS: “Worldly” is the addition of the translator, if my text is good enough. Is there an adjective to education—education “*mondaine*”? No, good.

Mr. Reinken: “—but not destroyed by it. They may quite possibly relax the superficial duties that decency demands. But when it comes to taking the last step, nature revolts.”^{viii}

^{vii} In original: “They seek them out with their glances; they see them in the mosques, on their walks, even in their homes.”

^{viii} In original: “It is not that I believe, Roxane, that these women push their outrageous enterprise as far as such conduct might lead one to think; I doubt that they carry debauch to the horrible excess—which strikes terror in the heart—of completely violating conjugal fidelity. There are certainly few women so abandoned as to go that far. They all carry graven within their hearts a certain image of virtue, given by birth, weakened by worldly education but not destroyed by it.

LS: And so on. This is clear pedagogy. In other words, they are terrible women, but they are still women, i.e., they do not commit adultery. That's because that is clearly, as I called it, pedagogic. Good. The letter to Nessir, the next letter, speaks of the bad mood in which Usbek finds himself, and one doesn't know exactly why. Is it the separation from his women, is it . . . attended by European women, or is it simply that he lives in a very different world? That is not clear. Yes.

Student: This letter to Nessir suggests a difference between Persia and Turkey, and says that he sends things through Ibben who is in Smyrna. And I wonder if there is a suggestion maybe that the letters to Turkey are more candid than the—

LS: That could be, could be, that is clear. What one would have to do in order to give a full interpretation of this work, for which a single seminar will not suffice, you would have to have made complete statistics, for example, who writes to whom, and what are the subjects in, say, letters of Usbek to this and this friend as distinguished from letters to his wives and to other friends, male friends and so on. One would have to do that. That is clear. But the difference between Persia and Turkey, Turkey is a Sunnitic country, isn't it, and Persia Shi'ite. Do you know what the difference is? One practical difference that is very important is that in the Sunnite countries they take the prohibition against wine drinking in the wider sense of all alcoholic beverages, but the Shi'ites take the word in the Koran, or wherever it is, literally, and say this means only beverages from grapes, because that is the word which Mohammed used, therefore he didn't have any objections to beverages from other substances.

Same Student: These are the Persians?

LS: Yes. So this is of some importance. We will see that later when it comes up. Mr. Bruell?

Mr. Bruell: Just a small point. Before Usbek had written in letter 6 to Nessir about his worries about his wives. Nessir seems to be a personal confidant about these private matters.

LS: Yes, it has something to do with the wives' question. His health is not too good. You can read the third paragraph from the end.

Mr. Reinken:⁶ "However, my dear Nessir, see to it that my women do not learn of the state I am in. If they love me, I want to spare their tears. If they do not love me, I do not wish to increase their boldness in any way.

They may quite possibly relax the superficial duties that decency demands. But when it comes to taking the last step, nature revolts." *Persian Letters*, Letter XXVI, 81-82.

“If my eunuchs believed me in danger and could hope for the impunity of weak complaisance on my part, they would soon cease to be deaf to the flattering voice of that sex which extracts a hearing from rocks and stirs even inanimate objects.”^{ix}

LS: Yes, so there is some connection. Yes.

Student: I was wondering if there was a certain contradiction between the statement in letter 17 where he states that our senses should be our sole guide—these are both Usbek—and the letter where he talks about an image of virtue engraven in the heart, which he takes to be natural?

LS: Which passages do you have in mind?

Student: Letters 17 and 26.

LS: Where in letter 26?

Mr. Reinken: The one you had me read. He speaks to his wife about an image of virtue engraven in the heart—

LS: This would mean, surely there is an engraven character, or type of virtue, some innate understanding of virtue, an innate tendency toward virtue. This, I think, is what he means. But the fact that Usbek says it to his wife may make one doubt whether he believes that truly. After all, did you ever read Locke’s criticism of innate ideas? That’s the point. And it is safe to assume that Montesquieu is in this respect on Locke’s side against the view that there are innate ideas.

Student: You said the pedagogical—

LS: Yes, that is the most natural explanation.

Student: In the *Spirit of Laws* there was one point where he called modesty a natural law, I think. So that needn’t be simply a pedagogical remark on his part. He could consider that to be a natural instinct.

LS: Could, yes, but let us see whether it occurs in any of the letters to men, where he doesn’t have this motive. And in addition, we always have to consider the possibility that he might have changed his mind between these two works written with a distance of about 27 years of the completion. Mr. Schaeffer.

Mr. Schaeffer: He begins letter 26 by saying “How fortunate you are, Roxane” and at the beginning of the last paragraph he begins by saying “I pity you, Roxane.” In between he describes supplementary religious laws of the Persians which are lacking in France. But the lack of them in France doesn’t produce the only infidelity which he claims is

^{ix} *Persian Letters*, Letter XXVII, 83.

unnatural. This reminds me in a way of, say, the rabbinical laws of the Jews which are designed to supplement the teaching of the Bible mainly in order to prevent, as I understand it, the violation of the original In other words, it seems implicitly to be praise of the freedom enjoyed in France regarding this matter as opposed to the severity of Persian laws.

LS: Yes, something of this kind is meant. Adultery is absolutely unnatural and doesn't happen anywhere, as he says here. But his fears refute it, as one sometimes speaks to children, that this could not possibly be done.

Student: He says a few moments later that it's done all the time . . . for losing his wife is that he gets a lover.

LS: Yes, I would assume that this is so. Now in the next letter, 28, he speaks of the theater in Paris, and here we have a letter of an oldish actress to Rica who would like to go with him to Persia and surely lacks female modesty to an amazing degree. But maybe she is not married and therefore you cannot speak of adultery, strictly speaking. There are more than one letter of Rica to a man whose name is not given. I wonder what that means. Did anything occur to you, that the identity of the addressee is not disclosed?

Student: Well I'm just thinking of another case where those three stars are used, but it may not be connected. When Usbek is in the country, there are letters [from] Rica to Usbek, and then the place is designated, presumably the home of some French gentleman, and that's not said. But in that case the reason would be—well that's Montesquieu's place because Montesquieu starts off by saying that these people spent some time with him. But that wouldn't be this though, because this presumably is to someone in Persia.

LS: Oh I see, yes that is a good point. But why does he make this, after all he could have taken another Persian or Persian-sounding name. I do not know. Perhaps we will find the solution later. Now 29 is more important because it deals again with religion, with religion in France in particular. Now let us read the second paragraph of letter 29.

Mr. Reinken: "Bishops are lawyers subordinate to him [the pope], and they have, under his authority, two quite different functions."

LS: Now, lawyer, that is of course not meant as a criticism, but simply as a kind of—he conceives of Christianity just as he conceives of Islam as a law, a divine law. Therefore, the clergy are lawyers. Good. Go on.

Mr. Reinken: "When they are assembled together they create, as does he, articles of faith. When they are acting individually they have scarcely any other function except to give dispensation from fulfilling the law. For you must know that the Christian religion is weighed down with an infinity of very difficult practices. And since it has been decided that it is less easy to fulfill these duties than to have bishops around who can dispense with them, this last alternative was chosen out of a sense of the common good. In this way if you don't wish to keep Ramadan—

LS: Ramadan is a month of fasting.

Mr. Reinken: Lent, in other words. “—if you don’t chose to be subjected to the formalities of marriage, if you wish to break your vows, if you would like to marry in contravention of the prohibitions of the law, even sometimes if you want to break a sworn oath—you go to the bishop or the Pope and you are given an immediate dispensation.”^x

LS: So this is how Christianity appears to him, rich in, charged with an infinity of very difficult practices. And, of course, the same is also true of other religions, that’s implied or stated by the examples: the letter to that mullah where he spoke of these prohibitions regarding wine, pork, and so on.

Student: Would this be because of the fact that in Mohammedanism, and in Judaism as well, it’s the law that becomes central, so therefore Rica misses the whole point about Christian theology?

LS: No, no. I think it is only one of these—how do you call it? As regards time you call anachronisms. Here it is regarding space, or place, that they interpret the Western religion in terms of their own religion. He speaks explicitly of articles of faith, and Islam itself has articles of faith, at least two: the unity of God; and Mohammed being God’s emissary.

Mr. Reinken: Well vulgar, Tridentine Romanism, to say the least, had more the aspect of laws—don’t eat meat on Friday; do this, don’t do that—very much a law giving religion, and much less hot-gospelling than Protestantism as at a later period or as used to appear in the Medieval. So that his stress on the law is, I think, perfectly correct of eighteenth century French Catholicism, especially after the Jansenists had been beaten down.

LS: The main point, I think, is here that this in the context of the book shows that there is a positive law in all positive religions, and the same difficulty is raised regarding all of them.

Another Student: This might bear on that point then. Do you think when he calls the bishops lawyers, does he mean to use that in the very loose sense [that] they have something to do with the law, that is, they dispense from the law? Because, at least to my knowledge, lawyers at the time he speaks of were those who tried to deduce from the law given all the different principles.

LS: No, I think that he means of course here that they are lawyers in the sense that they interpret the law, and he means not merely the canon law of course here—there is no allusion to that in particular—but simply the prescriptions, what you may and may not do. I don’t know whether the difference between Protestantism and Catholicism is so important here, as Mr. Reinken seems to believe. I remember the case of one of the northern German princes who backed Luther. And Philip had the misfortune of falling in love with another woman while he was already married. After all, monogamy is the

^x *Persian Letters*, Letter XXIX, 86.

established thing in Christianity. And so the pope couldn't be approached anymore, because he [Philip] was a Protestant, and so he approached Luther, as it were the Protestant pope. And Luther made some moves, I've forgotten which, as a consequence of which Philip had two wives. So this kind of problem exists, I believe, everywhere, unless you would say there are no religiously based laws in Protestantism. I mean, I don't care how you call them.

Mr. Reinken: It was the Puritans after all who brought most ordinances in. If you were trying to criticize Catholicism from a Protestant point of view, you would snipe at its laws.

LS: Well, the quantitative difference is not decisive. There are much fewer holidays in Protestantism than in Catholicism, and therefore fewer transgressions in this sphere. But the quantity, as I say, is not decisive. What will you do with such things as monogamy? Is polygamy compatible with Protestantism? If you would say the Mormons, well that is one sect and needed a special prophet in order to become established. So the problem would remain there. Or what do you mean? Are there no prescriptions regarding life and actions in Protestantism? Would you say that?

Mr. Reinken: No, no, it is a mere matter of emphasis. You would find that antinomianism is something more likely to happen in Protestant theology, is a problem for Protestant theology, but would hardly arise for the people he's describing—

LS: I think it is, of course, no accident that they go to Paris, i.e., to France, and not to a Protestant country. Surely, but that does not mean that the criticism of Christianity which is given here is limited only to Catholicism. Later on in the same chapter he criticizes the Inquisition, but says that is limited to Spain and Portugal as is made quite clear. So, in other words, if there is any intra-Christian distinction to be made I think it is made. Now let us see. Then he speaks of the curiosity of the people in Paris. Then there is a letter of Rhedi, a younger man who is now gradually coming to join them, who is in Venice and is amazed about this amazing city. The letter is 31. Let us read the last paragraph.

Mr. Reinken: "If it were not for that, my dear Usbek (that there is no ceremonially clean water), I should be delighted to live in a city where my mind is developing every day.^{xi} I am ferreting out for myself secrets of commerce; I learn about the motives of princes and the form of their government. I do not even neglect popular European superstitions. I apply myself to medicine, physics, and astronomy, and I am studying the arts."

LS: The "arts" means here crafts.

Mr. Reinken: "In short, I am beginning to come out from behind the clouds that covered my eyes in the land of my birth."^{xii}

^{xi} In original: "If it were not for that, my dear Usbek, I should be delighted to live in a city where my mind is developing every day."

^{xii} *Persian Letters*, Letter XXXI, 89.

LS: Yes, that is in a way a formula for the whole traveling on both sides. Now there is another letter from Rica to that three star man, whom we have not been able to identify.

Student: In Rhedi's letter he points out that all these wonderful things he's doing he's doing in a profane city that God could not help but abominate.

LS: In which letter is that?

Same Student: In the letter Mr. Reinken just read, 31.

LS: Yes, yes, that is good. So he is in an intermediate stage. In other words, he exaggerates the progress he has made. Is that what you mean?

Same Student: Well I think more that although he says this about the profanity of the city, he seems from the last paragraph to say that that is really not very important to him.

LS: I wonder whether Montesquieu doesn't wish to present him as a man who contradicts himself without being aware of it. In other words, he is in a transitional stage. Now let us turn to letter 33, which deals with wine drinking. Perhaps we will read this letter.

Mr. Reinken: "Usbek to Rhedi, at Venice:

"Wine is so expensive in Paris, by reason of all the taxes put on it, that it would seem likely the authorities have undertaken to carry out the precept of the divine Koran, which forbids drinking."

LS: In other words, the French government is more practical than Mohammed. Yes.

Mr. Reinken: "When I think of all the deadly effects of that liquor, I cannot but consider it the most dreadful gift Nature ever made to man. If anything has dishonored the life and reputation of our monarchs, it has been their intemperance. It is the most poisoned source of their injustice and cruelty.^{xiii}

"I shall dare to say it to the shame of mankind: the law forbids the use of—"

LS: You see, law means here clearly the divine law, Shariah.

Mr. Reinken: "—the law forbids the use of wine to our princes, and yet they drink it to an excess that debases them lower than humanity itself. The use of wine is, on the contrary, permissible to Christian princes, and it cannot be noticed that it does them any harm. The human mind is contradiction personified: in licentious debauch, people rebel

^{xiii} In original: "When I think of all the deadly effects of that liquor, I cannot but consider it the most dreadful gift Nature ever made to man. If anything has dishonored the life and reputation of our monarchs, it has been their intemperance. It is the most envenomed source of their injustice and cruelty."

with fury against precept, and the law, established to make us more virtuous, often serves only to make us more blameworthy.”

LS: Which could be straight from Paul, and could not. Go on.

Mr. Reinken: “However, if I disapprove of the use of the sort of liquor that causes loss of reason, I do not condemn in the same way drinks that brighten it up. It is Oriental wisdom to search out remedies against melancholy with as much care as those against the most dangerous diseases. When some misfortune strikes a European, he has no other resource save to read a philosopher called Seneca. But the Asiatics are more reasonable and better physicians in that quarter, and they take brews capable of making a man gay and of charming away the memories of his afflictions.”

LS: Yes, you see there is this distinction between wine and other exhilarating beverages. And the Persians do make the distinction. Go on.

Mr. Reinken: “Nothing can be more distressing than consolation drawn from the necessity of evil, the futility of all remedy, the fatality of destiny, the order of providence, and the sad plight of the human lot. It is ridiculous to try to attenuate evil by considering that we are born miserable. Better to lift the spirit above its own reflections and treat a man as a sentient rather than as a rational being.”^{xiv}

LS: That is very characteristic of Montesquieu. So that instead of preaching, do something to man so that he changes his mood. When all lessons of Seneca and other people would be wholly ineffectual, a good drink might have an excellent effect to dispel that mood. Usbek is also on his way toward emancipation from the Koranic law against drinking, but this is slightly obscure because he may still be a Shi’ite Moslem who accepts this old interpretation that Mohammed didn’t forbid the drinking of alcoholic beverages in general but only of wine in particular because he had chosen this word, which was I think *khamr*. Now the next letter shows him in a more advanced stage of his emancipation. Let us read a few passages.

Mr. Reinken: “Persian women are more beautiful than those of France, but French women are prettier.”

LS: So, in other words, he sees already some merit in Europe. Read the next paragraph.

Mr. Reinken: “What keeps the bloodline so handsome in Persia is the orderly life led by women there. They neither gamble nor stay up late; they drink no wine and are practically never exposed to the air. One must admit that the seraglio is made more for health than for pleasure. It is a uniform existence, without excitement.”^{xv}

^{xiv} *Persian Letters*, Letter XXXIII, 90-91.

^{xv} In original: “What keeps the bloodline so handsome in Persia is the orderly life led by women there. They neither gamble nor stay up late; they drink no wine and are practically never exposed to the air. One must admit that the seraglio is made more for hygiene than for pleasure. It is a uniform existence, without excitement.”

LS: You see how it gradually changes. Everything is wonderful in Persia, but slightly more wonderful are things in Europe. Now the next paragraph.

Mr. Reinken: “Even the men in Persia lack the gaiety of Frenchmen. You simply cannot find there the freedom of mind and the complaisant attitude that I see here in every rank and profession.

“It is even worse in Turkey, where families could be found in which, from father to son, no one has laughed since the foundation of the monarchy.”

LS: At the beginning of the next paragraph he speaks of the gravity of the Asiatics. The Europeans lack that gravity. And that is in a way more attractive to Usbek in this stage. Now this is written to Ibben at Smyrna, whereas the preceding about wine is written to Rhedi, the young Persian now in Europe. I think this would always have to be considered. Now what is at the root of these two characteristics of Europeans on the one hand and the Arabs on the other? Let us read the last paragraph of this letter 34.

Mr. Reinken: He is being addressed by a Frenchman: “For you must eventually cast off your prejudices. What can a man hope for from an education received from the hands of a miserable fellow whose whole honor consists in guarding the women of another man, and who prides himself on having the basest position one can hold among humankind?^{xvi} A man who is to be scorned for his very loyalty (his sole virtue) because he is brought to that loyalty by envy, jealousy, and despair? A man who, burning to avenge himself on the two sexes from which he is an outcast, consents to the tyranny of the stronger so long as he can harass the weaker; who, drawing the whole renown of his calling from his own imperfection, ugliness, and deformity, is held in esteem only because he does not deserve to be? A man, finally, who, forever chained to the door to which his duty attaches him, is harder than the hinges and bolts that hold it up, and who dares boast of his fifty years of life in such an unworthy post, during which, while responsible to his master’s jealousy, he has exercised his utter baseness?”^{xvii}

LS: Yes, so in other words, the education is the reason why the Asiatics differ so much from the Europeans. And this education has to do in both cases with a specific religious education. And this leads then to the question, which was explicitly discussed in the *Spirit of Laws* but which must have been present to Montesquieu’s mind already at that time because it is so obvious: is the education of the European higher classes simply a Christian education? You remember when he spoke of the three educations which Europeans receive, which moderns receive in contradistinction to the ancients, this is of course a question. But in Asia it seems to be simple, and you can say this is a religious education.

^{xvi} In original: “What can a man hope for from an education received at the hands of a miserable fellow whose whole honor consists in guarding the women of another man, and who prides himself on having the basest position one can hold among humankind?”

^{xvii} *Persian Letters*, Letter XXXIV, 91-92.

Student: Now in this paragraph he is plainly speaking of education by eunuchs. And this is an indication of a strong thrust against the Roman clergy whose influence is dominant in the education in Paris. In Asia in fact not all the education would be by eunuchs. There were free men.

LS: One could say, so to speak, that no education in Islam except occasionally is by eunuchs. In other words, this factual incorrectness shows that he doesn't mean eunuchs in Persia, but he means the Western equivalent, even though not physically deprived of their power of generation but morally.

Student: The second-born who take on a strange sort of obedience which entitles them to command.

LS: Yes, surely, that is a symbolism which will become clearer as we proceed. In other words, the relation of the eunuch to the master of the women is in the first place parallel to the relation of the vizier to the sultan, but also to the relation of the priesthood, the clergy, to God himself. That will come out more and more as we go on. Yes.

Now we find a considerable change in Usbek in the next letter, which he writes to his cousin, who is also a clergyman, a dervish. What does he do in that letter? Do you remember? Well, he pleads for the salvation of the Christians. They are excused by their inevitable ignorance. They couldn't have known of Islam. But now he has made this step. He has become more gentle, more tolerant, than he was originally. In the next letter, 36, he speaks of the French cafes, conversation, disputation, and then the chief disputation, the quarrel regarding the ancients and moderns—in other words, was Homer the greatest poet, or were there modern poets who are equal to Homer? Then he enters more specifically into French affairs in letter 37 on Louis XIV. We might read the first paragraph.

Mr. Reinken: “The King of France is old. We have no example in our history books of a monarch who has reigned so long. It is said that he possesses a high degree of talent for making himself obeyed. He governs with equal talent his family, his court, his state.^{xviii} People have often heard him say that, of all the governments in the world, that of the Turks, or that of our august sultan would please him best—so much significance does he attach to Oriental politics.”

LS: Now this we know already from the *Spirit of Laws*. How would you state it in the language of Montesquieu?

Mr. Reinken: That Louis wanted to be a despot.

LS: And that the French monarchy altogether had become a despotism in modern centuries, an oriental despotism. Perhaps we should read the sequel.

^{xviii} In original: “He governs with equal talent his family, his court, and his state.”

Mr. Reinken: “I have studied his character and I find in it contradictions impossible for me to resolve. For example, he has a minister who is only eighteen years old, and a mistress who is eighty.”

LS: I do not know who that minister is. Eighteen is probably an exaggeration.

Student: The Marquis de Barbezieux, the fifth son of Louvois, was Secretary of State in 1691 at twenty-three.

Mr. Reinken: It could be the Marquis de Cany who was eighteen when he inherited the position of Secretary of State.

LS: Just as it is impossible to get a Ph.D. at eighteen, whereas you find some at twenty-three. And eighty: how old was Pompadour—no, Mme. de Maintenon?

Mr. Reinken: Seventy-eight.

LS: And how old was Louis at that time?

Mr. Reinken: Louis was about Madame’s age, seventy-five.

LS: I see, so this was a beautiful old relation. Yes.

Mr. Reinken: “He loves his religion, and yet he cannot stand those who say religion should be observed to the last letter. Although he flees the tumult of cities and is not very communicative, still he is concerned from morning to night only with having himself talked about.”^{xix}

LS: So here this Persian can state the opinion of Montesquieu of Louis XIV without any hesitation. Yes, now the next letter is again from Rica. This has the form of an argument. We read perhaps the first paragraph, a scholastic disputation one could say.

Mr. Reinken: “It is a great question among males to know whether it is better to deprive a woman of her freedom or let her keep it. It seems to me there are many things to be said for and against. If the Europeans can say it is no mark of nobility to make the persons we love miserable, our Asiatics can answer that there is a certain baseness involved in a man’s renouncing the dominion over women given him by nature. If they are told that the great number of women shut up by them is embarrassing, they can reply that ten women who obey are less embarrassing than one who does not.”

LS: You see how neutral he speaks, “they reply,” who are “they?” “They reply that ten women who obey are less embarrassing than one woman who does not obey.” In other words, polygamy is better than monogamy. But he says “they”; he doesn’t say “we.” He has advanced. He speaks of them also in the third person also in the sequel, as you will see.

^{xix} *Persian Letters*, Letter XXXVII, 95-96.

Mr. Reinken: “Let them object in their turn that Europeans could not possibly be happy with women who are not faithful to them, it could be countered that their much-boasted fidelity does not obviate the disgust that always follows the satisfaction of the passions, that our women belong too strictly to us, that such a calm possession leaves us nothing to desire or fear, and that a bit of coquetry is the salt that adds taste and prevents corruption.^{xx} A wiser man than myself might find it difficult to decide the issue, for if the Asiatics do well to seek means aimed at calming their uneasiness, the Europeans do well not to have any uneasiness at all.”

LS: Let us stop here one moment. But we see Rica clearly on his way toward liberation from the Asiatic prejudices. He takes the stand of a neutral: these are the two sides of the question; I cannot yet decide it; I can perhaps never decide it—so it’s a question for him. Skip the next paragraph, and then go on.

Mr. Reinken: “It is quite another question to know whether the natural law subjects women to men. ‘No,’ a philosopher^{xxi} with a great penchant for the ladies told me the other day. ‘Nature never dictated such a law. The dominion we hold over them is a veritable tyranny. They have allowed us to hold it only because they are more gentle than we are, and consequently possess more humanity than reason. These advantages over us, which ought no doubt to have secured superiority for them if we had been reasonable, have made them lose it because we are not. Now if it is true that we have only a tyrannical power over women—’”

LS: I.e., not a power based on nature or reason.

Mr. Reinken: “—it is no less true that they possess a natural dominion over us—their beauty, which is irresistible.^{xxii} Our domination is not the fact in every country, but the domination of beauty is universal. Why, then, should we have any advantage? Is it because we are the stronger? But that would make it a true injustice. We use all manner of means to humble their courage. Their strength would be equal if their education were also equal. Let us put them to the test in the matter of talents not enfeebled by their present education, and we shall soon see if we are so strong.”

LS: In other words, he is truly very emancipated now, although he states the view of a gallant philosopher, but he apparently has nothing to oppose to him. And he makes it quite clear in the last paragraph of the letter.

^{xx} In original: “Let them object in their turn that Europeans could not possibly be happy with women who are not faithful to them, it could be countered that their much-boasted fidelity does not obviate the disgust that always follows the satisfaction of the passions, that our women belong too strictly to us, that such a calm possession leaves us nothing to desire or fear, and that a bit of coquetry is the salt that adds savor and prevents corruption.”

^{xxi} Editor’s note: “Fontenelle, who was famous for his galant scientific dialogues, e.g., *Sur la pluralite des mondes*” (309).

^{xxii} In original: “Now however if it is true that we have only a tyrannical power over women it is no less true that they possess a natural dominion over us—their beauty, which is irresistible.”

Mr. Reinken: “You can see, my dear Ibben, that I have developed a taste for this country where people like to argue extraordinary opinions, and reduce everything to paradox. The Prophet has decided the question and laid down the rights of both sexes. ‘Wives,’ he says, ‘should honor their husbands, and husbands should honor their wives, but they have the advantage of one degree over them.’”^{xxiii}

LS: In other words, he returns in a way, how sincerely we cannot know, to his orthodoxy. Now the next letter deals with Islam but it is addressed to a Jew, yet to a Jew who had converted to Islam. Why does he choose that, in a letter to a Jewish convert to Islam? He speaks of the miracle of Mohammed’s birth. He was born circumcised. Read just the fourth paragraph to get a notion of what he means.

Mr. Reinken: “He came into the world circumcised, and joy appeared on his face from birth. Earth trembled thrice, as if she had herself given birth. All the idols bowed down. Thrones of kings were overturned. Lucifer was hurled into the depths of the sea, and only after swimming for forty days, did he issue forth from the abyss and climb Mount Cebes, whence, with a terrible voice, he called on the angels.”^{xxiv}

LS: Why he thinks that a converted Jew would be more impressed by these arguments than a Muslim stemming from Muslim parents is hard to see.

Student: Does it perhaps raise the problem, you mentioned before that this sort of fable is not likely to convince someone who is not convinced already, and with the Jew he wasn’t simply born and grew up as a Muslim, but for some reason he is now a Muslim.

LS: In other words, the ineptitude, not only that the arguments are not good, but the ineptness of using them in such a context—is that it?

Student: Perhaps.

Mr. Reinken: Well, I thought that Mohammed’s nativity was not so prominent a thing in Islam, but Christianity has made a great deal about the virgin birth and argued about it as if it were the main stumbling block to belief and disbelief. And there is some appropriateness to the question of the nativity of Jesus in addressing it, say, to a Jewish

^{xxiii} In original: “You can see, my dear Ibben, that I have developed a taste for this country where people like to argue extraordinary opinions, and reduce everything to paradox. The Prophet has decided the question and laid down the rights of both sexes. ‘Wives,’ he said, ‘should honor their husbands. Husbands should honor wives, but they have the advantage of one degree over them.’” *Persian Letters*, Letter XXXIV, 96-98.

^{xxiv} In original: “He came into the world circumcised, and joy appeared on his face from birth. Earth trembled thrice, as if she had herself given birth. All the idols bowed down. The thrones of kings were overthrown. Lucifer was hurled into the depths of the sea, and only after swimming for forty days, did he issue forth from the abyss and climb Mount Cebes, whence, with a terrible voice, he called on the angels.” *Persian Letters*, Letter XXXIX, 98-99.

convert, since the claim made for Jesus is that he was the right heir of David, not the messiah.

LS: I see, that could be. And why say it to a Jewish convert as distinguished from an unconverted Jew? Because the unconverted Jew would be immune altogether, whereas the converted Jew is supposed to accept it. Yes, that is more simple, that is good. Now the letters 41-43 form a unity. They deal with the practical question, namely whether a black slave is to be made into a eunuch. The slave addresses a pitiful letter to Usbek, letter 42, and Usbek in his great kindness permits him to stay outside of the state of eunuchdom. And that is an important part of the action here. Mr. Bruell.

Mr. Bruell: Who is the writer of the thirty-ninth letter?

LS: Hagi Ibbi. Hagi, as explained in a note here, is a man who has made the pilgrimage to Mecca. So the name is not Hagi, but Ibbi. Ibbi is addressed by the letter writer of letter 9.

Mr. Bruell: A eunuch then.

LS: Is he a eunuch? Yes, that's correct, who traveled with Usbek. But that makes me also doubtful whether they should be the same. Yes.

Student: Well the confusing thing is that the letter is being written from Paris. And what would this Moslem who's taking care of the conversion of people be doing in Paris, and why would he know someone in Smyrna?

Mr. Reinken: So, then, this is the same man, because he is in Paris.

LS: So, he is in Paris. How do you know that? Oh yes, the end of the letter. The first fact would then be that he is not shaken at all in his faith although he lives in Europe. And perhaps this is in contradistinction to the others who have made some accommodation.

Student: Plus the fact that in another letter to one of the eunuchs traveling with Usbek, not this one but Jaron, the letter writer says: well don't become corrupted by traveling among the Christians, and when you come back make the pilgrimage.

LS: I see.

Student: Perhaps he's a missionary, that Ibbi may have converted this Jew—

LS: On his trip to the West while passing through Smyrna.

Student: The Jew would be a Shi'ite Moslem.

LS: No, Smyrna is in Turkey. Turkey is the Sunnite, not Shi'ite.

Same Student: But the travelers are Shi'ite.

LS: Well I do not know. We should have an expert regarding Islam to help us, though I imagine that Montesquieu himself didn't know too much about these matters. Letter 44 deals with human vanity, especially as it affects the French. And then a French gold maker in 45. And 46 again deals with the different religions. Perhaps we will read the beginning.

Mr. Reinken: "I keep seeing here people who argue endlessly about religion. But at the same time, they seem to be vying with each other as to who shall observe it the least.

"They are not only not better Christians, but also not even better citizens, and that's what touches me, for under whatever religion one lives, the observance of laws, love for fellow men, and piety toward one's parents are always the first acts of religion."

LS: In other words, this tacit distinction made between a natural religion and positive religion—what is common to all religions is the natural religion. The natural religion consists then in these moral acts. Piety towards parents, but not piety towards God, is mentioned. Later on that led up to Kant, where there are no specific duties toward God. Religion means to conceive of morality as obedience toward God, to keep the moral commands as divine commands, but there are no duties toward God. That is what the preponderant trend of the eighteenth century was driving at. Yes.

Mr. Reinken: "In truth, should not the first object of a religious man be to please the divinity who established the religion he professes? The best means of succeeding in this is doubtless to observe the rules of society and the duties of humanity. For under whatever religion a man lives, from the moment that a supposition of religion exists, there must also be the supposition that God loves men, since he established a religion to make them happy, and since he loves men, men are thus assured of pleasing him by also loving them, that is, by practicing all the duties of charity and human kindness in their behalf and never violating the laws under which they live.^{xxv}"

LS: Which is something slightly different, because the laws may not have anything to do with charity and humanity in themselves. Humanity is one thing and legality is another. Yes.

Mr. Reinken: "So doing, we are much surer of pleasing God than we are by observing such and such a ceremony. For ceremonies contain no degree of goodness in themselves. They are good only with reference to and in the supposition of the knowledge that God has commanded them. But there is matter here for a long discussion. One can easily be

^{xxv} In original: "For under whatever religion a man lives, from the moment that a supposition of religion exists, there must also be the supposition that God loves men, since he established a religion to make them happy, and since if he loves men, men are thus assured of pleasing him by also loving them, that is, by practicing all the duties of charity and human kindness in their behalf and never violating the laws under which they live."

deceived, since he must choose the ceremonies of one religion as over against two thousand.”

LS: There I think Usbek is now perfectly enlightened or emancipated. The only religion which he recognizes is morality. And the specifically Islamic, or Christian, or Jewish, or whatever it may be, that is of no importance. This far he has gone. So the ceremonial element in the widest sense of the term is completely out. You remember he had a query before. Now there is one thing about which he has been silent. He mentioned three items: observation of the laws, love for men, and piety toward parents. But he did not repeat that hitherto, the last point. Now let us read the last paragraph.

Mr. Reinken: “A man rendered unto God everyday this prayer: ‘Lord, I understand nothing in all these disputes people are ever making about you. I should like to serve you according to your will; but every man whom I consult wants me to serve you according to his own. When I would lift up my prayer to you, I don’t know in what language I should speak to you. Nor do I know what position I should assume: one man says I should pray to you standing; another wants me to be sitting; and still another requires that my body be supported by my knees. Nor is that all. For there are some who claim that I should wash every morning in cold water and others who hold that you will contemplate me with horror if I don’t have a small piece of flesh cut off.’^{xxvi} The other day I happened to eat a rabbit in a caravansary. Three men nearby made me tremble at my act; for all three held that I had grievously offended you: the first because that animal is unclean; the second because it was strangled: the third because it was not fish. A Braham who was passing—”

LS: I suppose he means it was on the wrong day.

Mr. Reinken: Yes. “A Brahman who was passing close by and whom I took as judge in the matter told me: ‘They are wrong, for apparently you didn’t kill the animal yourself.’ ‘Oh yes, I did,’ I replied. ‘Ah, then you have committed an abominable act for which God will never forgive you,’ he said in tones of severity. ‘How can you be sure that the soul of your father has not passed into that animal?’”^{xxvii}

LS: That is the only reference to the father which occurs in that letter. Could this be the way in which he takes up the question of honoring parents, I do not know. It’s unlikely, but it’s the only evidence I have here. Well the main point of course in this letter is perfectly clear. Yes.

Student: I’m not sure if this makes sense, but if there’s a suggestion of dropping the honoring of parents, isn’t there also the suggestion here of dropping honoring the lord who is the father and simply honoring men?

^{xxvi} In original: “There are some who claim that I should wash every morning in cold water and others who hold that you will contemplate me with horror if I don’t have a small piece of flesh cut off.”

^{xxvii} *Persian Letters*, Letter XLVI, 105-106.

LS: Well we had a case of a similar kind in the *Meno*. Do you mean that? When Socrates says Meno looks for that kind of virtue which includes among other things honoring parents, cherishing parents, and nothing said about honoring or cherishing the gods—that would be the same thing. That would be the simplest explanation. In other words, religion consists in acting morally.

But, is there not an excess of religion beyond morality? And the question is, in what should that excess consist? Sacrificing and prayers would be the ordinary Greek answer. But let us say prayer. But is⁷ prayer not wholly superfluous? To use an argument by Socrates, which was known of course to Montesquieu, would God not know much better what is good for you than you yourself? Well, there could of course still be prayers of thanks. I do not know whether this will be argued out here in the book, or how Montesquieu would have argued it out, but the possibility is open here that there is no place for any action, for any good action beyond moral action.

Mr. Reinken: I think I have the answer on the parents thing from something you said before. In the strictly natural state there is not the marriage; the family is not as much according to nature. Though men always live according to some laws, the having of parents is something known only by convention, especially of fathers. That the Brahman chose transmigration suggests that a society would be possible, like the *Republic*, in which the people would not know who their parents were and so would not behave with any particular reverence toward them—

LS: It is a bit thin, and we would have to have further evidence. I would not exclude it, I would only exclude your argument for it. This is not the same thing, because there is something like guessing right [laughter].

Mr. Reinken: OK.

Student: Isn't the implication of that section that the Brahman is really in a way more reasonable than the revealed religions? He has in a sense the right idea but it's based on this notion of transmigration of souls. So one would have to get straight on that theoretical issue first before you would know whether or not it was all right to eat rabbit.

LS: In other words, you take this seriously that at first glance the Brahman belongs to a different league than the representatives of the revealed religions proper?

Same Student: In a sense, because the reason that he gives however foolish it is at least is based, one of the premises is based on something that Montesquieu has already said was necessary, the piety. Whereas the reasons given by the revealed religions are simply—well one says it isn't good because it isn't fish. Well that doesn't tell you anything.

LS: You elaborate the point which I dimly felt, that since this is the only reference to honoring parents in this letter, it might be relevant. Is it or is it not?

Same Student: It's somehow a type of a Socratic touch, that you want to be pious but we have to know then. In other words, what would seem to be this very simple approach to piety still gets involved in theoretical issues, like the transmigration of the soul. But I couldn't take it any further than that.

LS: We must wait for further developments. So next time will you please have read up to letter 67⁸ [inclusively].

¹ Moved "of."

² Deleted "this."

³ Deleted "and."

⁴ Deleted "here."

⁵ Deleted "where."

⁶ Deleted "Letter 27."

⁷ Deleted "not."

⁸ Deleted "inclusive."

Session 12: May 4, 1966

LS: May I ask you what you found to be the most interesting section in these letters 48-67?

Student: Well, letter 67.

LS: Yes, I think so too. And what is the theme?

Same Student: Whether the prohibition against incest is natural or positive law. And the implication is it's positive.

LS: Yes, that is indeed the point. Now I suggest that we begin with letter 67, i.e., the last letter of our assignment. And let us begin at the beginning. You have the French text in a tolerably good edition. What is the heading of letter 67?

Student: Ibben to Usbek.

LS: Is there any note?

Same Student: Not on the title.

Another student: In my edition it says "Usbek to Ibben."

LS: Yes, that's the reason, and in my French edition.

Student: But it doesn't make sense according to where they say the people are. It says to Paris, and from—

LS: I know, I know, but still one can never be sure. Is there no critical apparatus there?

Student: There are a few notes but not on that point.

LS: Let us then begin with letter 67. Mr. Reinken is absent today, will you try your luck? We must surely read the beginning of this long letter.

Reader: "Three ships have arrived here without bringing any news of you. Are you ill? Or do you take pleasure in worrying me?"

"If you do not love me in a country where you have no ties, what will it be like in Persia, in the bosom of your family? But perhaps I am wrong to say this; wherever you go, you are likable enough to have friends. The heart is a citizen of all countries. How can a comely soul keep from forming ties? I admit to you that I respect old friendships, that I am not vexed by continually forming new ones wherever I go.

“In whatever country I have been, I have lived as if I were to pass my whole life there. I have had the same warm feelings for virtuous people, the same compassion—or rather fondness—for the unfortunate, the same esteem for those not blinded by prosperity. That’s part of my character, Usbek. Wherever I find men, I shall find friends for myself.

“There is a Gheber here too who, next to you, I believe has the first place in my heart: he is the very soul of honesty. Personal reasons made him retire to this city, where he lives peacefully from an honest business and with a wife he loves. His life is completely characterized by generous deeds, although he seeks to live obscurely, there is more of the heroic in his heart than in that of the greatest monarchs.

“I have spoken a thousand times to him of you. I show him all your letters. I notice that this gives him pleasure. I conceive already that you have a friend still unknown to you.

If you find here the story of his principal adventures. Whatever the reluctance he had in writing them, he could not withhold them from my friendship; I am herewith confiding them to you.”ⁱ

LS: Obviously this unknown man is outstanding by his properties. Although Usbek has never seen him, Ibben is sure that he will be as close a friend as Ibben himself. The heart is a citizen in every country, and therefore the fact that this man is a Parsi, a Gheber as they are called here, is in no way an impediment to friendship. And now we come to that history of this new friend.

And [to previous reader], forgive me, you’re not as good as Reinken. What about you, Mr. . . . , would you try your luck? Well, Mr Roos? Good.

Mr Roos: “The Story of Apheridon and Astarte:

ⁱ In original: “If you do not love me in a country where you have no ties, what will it be like in Persia, in the bosom of your family? But perhaps I am wrong to say this; wherever you go, you are likable enough to find friends. The heart is a citizen of all countries. How can a comely soul keep from forming ties? I admit to you that I respect old friendships, but I am not vexed by continually forming new ones wherever I go. In whatever country I have been, I have lived as if I were to pass my whole life there. I have had the same warm feelings for virtuous people, the same compassion—or rather fondness—for the unfortunate, the same esteem for those not blinded by prosperity. That’s part of my character, Usbek. Wherever I find men, I shall find friends for myself. There is a Gheber here who, next to yourself, I think, holds the first place in my heart: he is the very soul of honesty. Personal reasons made him retire to this city, where he lives peacefully from an honest business and with a wife he loves. His life is completely characterized by generous deeds, and although he seeks to live obscurely, there is more of the heroic in his heart than in that of the greatest monarchs. I have spoken a thousand times to him of you. I show him all your letters, and I note that this gives him pleasure. I can see already that you have a friend still unknown to you. You will find here the story of his principal adventures. Whatever the reluctance he had in writing them, he could not withhold them from my friendship; I am herewith confiding them to you.”

“I was born among the Ghebers, into a religion that is perhaps the oldest in the world. So unfortunate was I, that love came to me before reason. I was barely six years old and already could not live without my sister. My eyes were ever fixed on her, and whenever she left me for a brief moment, she would find those eyes bathed in tears upon return. Each day added as much to my love as to my age. My father, surprised by such a strong attachment, would very much liked to have married us to each other according to the ancient custom of the Ghebers, introduced by Cambyzes, but fear of the Mohammedans, under whose yoke we lived, restrains the people of our nation from thinking of such holy alliances, which our religion demands rather than sanctions—”

LS: Which it commands rather than merely permits.

Mr Roos: “—and which constitute such frank images of a union already formed by nature.”

LS: Yes, so this religion is perhaps the oldest in the world, and “oldest” means of course goodness—that is implied. Now incest between brother and sister is demanded by the religion of the Guebres—let us say the Parsis—and forbidden by Islam, and therefore they cannot practice incest openly. And now we skip the next paragraph where he describes how the father separates brother and sister. And then he goes on. And while the young man is away, the sister is given into a haremⁱ where she became a Mohammedan. And “she could not according to the prejudices of that religion regard me except with horror.” Do you have this passage, the middle of the third paragraph of the story. “Not being able to live in Tiflis, tired of myself and of life, I returned to Ispahan. My first words were bitter to my father. I reproached him for having given his daughter, put his daughter in a place where she could not enter except by changing her religion.” Do you have that? Go on then.

Mr Roos: ““You have called down on your family,’ I said, ‘the wrath of God and of the Sun, which enlightens you. You have committed a worse crime than if you had contaminated the Elements, for you have contaminated your daughter, who is no less pure—””

LS: “the soul of your daughter”

Mr Roos: “—for you have contaminated the soul of your daughter, who is no less pure than they. I shall die of grief and love, and may my death be the sole punishment God may cause you to suffer.’ With these words, I left and for two years I passed my life going to survey the walls of the *beiram* [harem], trying to guess where my sister could be, a thousand times each day risking decapitation by the eunuchs who did sentry duty in those fearful enclosures.”ⁱⁱ

ⁱⁱ In original: “I shall die of grief and love, but may my death be the sole punishment God may cause you to suffer.’ With these words, I left and for two years I passed my life going to survey the walls of the *beiram*, trying to guess where my sister could be, a thousand times each day risking decapitation by the eunuchs who do sentry duty around those fearful enclosures.”

LS: Nevertheless, he succeeds in talking to his sister who is sad about what has happened but faithful to her new religion and her husband, her husband being a eunuch. He has a conversation with his sister which is of some importance a bit later on. Skip the next two paragraphs and then begin.

Mr Roos:² “Three or four days later, I asked to see my sister. The barbarous eunuch would have very much liked to keep me from her. But in addition to the fact that this sort of husband does not hold over wives the same sort of authority as do others, he loved my sister so desperately that he could refuse her nothing. I saw her again in the same place and under the same veils, accompanied by two slaves. This made me fall back again on our private language.”

LS: Meaning the language of the Parsis which the others didn’t understand.

Mr Roos: “‘My sister,’ I said, ‘how does it come about that I cannot see you without finding myself in a dreadful state? The walls that hold you enclosed, these bolts and these bars, these wretched guardians observing you, set me into a fury. How can you have lost that sweet freedom enjoyed by your ancestors? Your mother, who was so chaste, gave to her husband for sole guarantee of her virtue, that virtue itself. They lived happily, both of them, in mutual understanding, and the simplicity of their way of life was to them wealth a thousand-fold more precious than the empty brilliance you seem to enjoy in this sumptuous house. By losing your religion, you have lost your freedom, your happiness, and that precious equality which did honor to your sex. But what is far worse, you are not the wife—for you could not be—but the slave of a slave who has been degraded from humanity.ⁱⁱⁱ’ — ‘Ah, my brother,’ she said, ‘respect my husband, and respect the religion I have accepted. According to that religion I cannot listen to you or speak to you without committing a crime.’ — ‘What!’ I said, utterly overcome. ‘So, my sister, you believe that religion to be the true one?’ — ‘Alas,’ said she, ‘how much better for me if it were not! I am making for its sake too great a sacrifice to be able not to believe it, and if my doubts...’ On these words she grew silent. — ‘Yes, my sister, your doubts, whatever they may be, are well founded.^{iv} What can you expect from a religion that makes you unhappy in this world and gives you no hope for the next?’”

LS: What does this mean “gives you no hope for the next?”

Student: Well there is no immortality—

LS: In Islam?

Student: Well, a lesser—

ⁱⁱⁱ In original: “‘ But what is far worse is that you are not the wife—for you could not be—but the slave of a slave who has been degraded from humanity.’”

^{iv} In original: “‘Alas,’ said she, ‘how much better for me were it not! I am making for its sake too great a sacrifice to be able not to believe it, and if my doubts . . .’ On these words she grew silent. — ‘Yes, my sister, your doubts, whatever they be, are well founded.’”

LS: No, I would assume that the main point is that she doubts.

Student: In one of the previous letters from Usbek I think it says that the pope was right in forbidding women to read the Bible, because the Bible was only to show the way to paradise, and women don't go there anyway.

LS: So this is the reason you mean. I see. I thought it had something to do with her doubts.

Student: Couldn't it also be that from her brother's point of view she is now in a false religion?

LS: No, she is now a Mohammedan.

Student: And therefore no Mohammedans are saved because they are not—

LS: No, no, disregarding that, since she has doubts she is not a good Moslem. That is what I thought, but you may be right. Go on.

Mr Roos: "Remember that ours is the most ancient religion in the world—"

LS: You see, he says the most ancient, and therefore the original, the best religion. Yes.

Mr Roos: "—that it has always flourished in Persia and has no other origin than this empire, whose beginnings are lost to knowledge; that it is not chance that introduced Mohammedanism here; and that that sect was established not by persuasion but by conquest."

LS: "it was only chance that introduced Mohammedanism."

Mr Roos: Yes. "If our native princes had not been weak, you would still see the cult of the ancient Magi in power here. Go back in your mind to those far past centuries; where everything will bear witness to the Magi, and nothing to the Mohammedan sect, which several thousands of years later was only in its infancy."^v — 'But,' she protested, 'even if my religion is more recent than yours, it is at least—'"

LS: In the original, "more modern." This is quite interesting. Yes.

^v In original: "'If our native princes had not been weak, you would still see the cult of the ancient Magi in power here. Go back in your mind to those far past centuries; everything will bear witness to the Magi, and nothing to the Mohammedan sect, which several thousands of years later was only in its infancy.'"

Mr Roos: “—it is at least purer, for it adores only God, whereas you adore also the Sun, the Stars, Fire, and even the Elements.’ — ‘I can see, my sister, that among the Mohammedans, you have learned to blaspheme our religion^{vi}—”

LS: “our sacred religion”

Mr Roos: ““We adore neither the Stars nor the Elements, and our fathers have never adored them. They have never built temples to them and never offered sacrifice to them. They have only devoted to them religious services, although inferior ones, as befitting the works and manifestations of the Divinity. But, sister, in the name of God, who enlightens us, accept from me this holy book I bear. It is the book of our lawgiver Zoroaster. Read it without prejudice. Gather into your heart the rays of light which will inform you as you read it. Be mindful of your fathers, who have for so long honored the Sun in the holy city of Balkh, and finally, remember me, for I have no hope of repose, fortune, or life save in your conversion.’ I left her completely transported, and allowed her to decide, alone, the most weighty matter I could ever have in my life.”^{vii}

LS: So, you see the brother is a very good apologist for this religion. In the first place it is the most ancient religion; and secondly, the paganism, the worship of creatures, is said to be only a subordinate part of the worship of a single God. He doesn’t deny that the elements, and the sun, and so on are worshipped, but only as creatures as it were, and meant to be creatures. One can say paganism—he doesn’t use the word—paganism is the true natural religion. He doesn’t use this expression, but this is what he suggests.

Student: He seemed to develop this much more extensively in the *Spirit of Laws*. He mentions that religions, the older the better—

LS: But this he does now not speaking for any one religion, but speaking, as a political thinker, from the outside of religion, looking from above. But here this man speaks for his own religion. That’s a different story. Yes.

Student: In the last sentence he says, “I left her in complete transport, and allowed her to decide, alone, the most weighty matter I could ever have in my life.” When he says “the most weighty matter I could ever have,” is he referring to the fact that the decision which she makes is going to affect his happiness?

^{vi} In original: “‘I can see, sister mine, that among the Mohammedans, you have learned to blaspheme our religion.’”

^{vii} In original: “‘We adore neither the Stars nor the Elements, and our fathers have never adored them. They have never built temples to them and never offered sacrifice to them. They have only devoted to them religious services, albeit inferior ones, as befitting the works and manifestations of the Divinity. But, sister, in the name of God, who enlightens us, accept from me this holy book I bear. It is the book of our lawgiver Zoroaster. Read it without suspicion. Gather into your heart the rays of light which will inform you as you read it. Be mindful of your fathers, who have for so long honored the Sun in the holy city of Balkh, and finally, remember me, for I have no hope of repose, fortune, or life save in your conversion.’ I left her in complete transport, and allowed her to decide, alone, the most weighty matter I could ever have in my life.”

LS: Yes, because he loves her.

Same Student: As opposed then simply to the pure religious aspect.

LS: Yes, here you see incidentally a simple connection between truth and love, which is in a way the theme of the whole book, in another way, Usbek's quest for wisdom and his women, but here the connection is much more close. Now the sister of course is reconverted, and that is stated at the beginning of the next paragraph. She has now the books and needless to say these are not the only source of her conversion, because she loves her brother too and she is not too happy with her eunuch husband. So these irrational motives help her seeing the light.

Mr Roos: "I returned two days later. I did not address a word to her. I waited in silence the sentence of my life or my death. 'My brother,' she said, 'you are loved, and by a Gueber. I have struggled long. But, O gods—'"

LS: Gods. In other words, not the monotheism but the polytheism.

Mr Roos: "'—but, O gods, how love does lift difficulties! How relieved I am! I am no longer afraid of loving you too much; I can no longer set limits to my love; its very excess is lawful. Ah, how well all this befits the state of my heart! But you, who knew how to break the chains of my mind which it had formed for itself, when will you break those which tie my hands?^{viii} From this moment on, I give myself to you. Let me see by the haste with which you accept me, how dear this present is to you.'"

LS: But at any rate, in a true escape story or adventure story, which you have seen, over the TV, many a time—I don't know whether this particular situation—she escapes from her prison. They have to flee, of course, because they are pursued. And then there are some incidents in that flight. "We live the two of us in this out of the way place without witnesses repeating to each other unceasingly that we would love each other always waiting for the occasion that some Gheber priest could make the ceremony of marriage prescribed by our sacred books. 'My sister,' I told her, 'this union is sacred. Nature has united us; our sacred law will unite us still more.'"

So in other words this is not simply a natural religion, because there is, apart from nature, a sacred law, a sacred *nomos*. Otherwise they could have joined their bodies and souls without any priest, without any ceremony. This shows that the sacred law is an essential part of this seemingly natural religion. Therefore the expression natural religion is wisely avoided. But this is followed by a new separation and new misery. Those of you who have not read it and like adventure stories may read it. But let us read a little bit later on in this paragraph: "But what was my despair? I didn't find my sister anymore. A few days before my arrival, Tartars had made an incursion into the city where she was." Do you have that? Go on.

^{viii} In original: "Ah, how well all this befits the state of my heart! But you, who knew how to break the chains my mind had forged for itself, when will you break those which tie my hands.'"

Mr Roos: “—and since they found her beautiful, they took her away—leaving behind only a little baby girl which she had delivered some months before^{ix}—”

LS: Yes, I think we can now skip that. They are then reunited in a very complicated way, but at a price. The little girl disappeared and they did not have [her] any more. This is one great price. They had to sell themselves into slavery to some nice Armenian, but only for a relatively short time, and lived happily ever after except for the poor daughter. That was the price. There was something else, the last paragraph of the letter. Yes.

Mr Roos: “The end of the year came. My master held to his word and freed us. We returned to Tiflis.”

LS: Tiflis is the birth town of Stalin, as you may remember.

Mr Roos: “There I found a former friend of my father who was successfully practicing medicine in that city. He lent me some money, with which I carried on some trading. Later, business took me to Smyrna, where I settled. I have been living here for six years now, enjoying the most lovable and gentle fellowship in the world. Union reigns in my family, and I should not change my place with that or any of the world’s kings.^x I have been fortunate enough to see again the Armenian merchant to whom I owe it all, and I have repaid him with conspicuous service.”^{xi}

LS: Yes, this is the end. He now lives in Smyrna. And Smyrna is—or did it belong to it at that time?

Student: Turkey.

LS: Turkey, at the coast of Asia Minor. And what is the religion of the Turks?

Student: Mohammedan.

LS: Mohammedans. What is the Mohammedan posture toward incest between brother and sister? We have learned this from this very letter.

Student: It is prohibited.

LS: So, in other words, what is the second price this fellow has to pay apart from the loss of his little daughter?

Student: Secrecy.

^{ix} In original: “And since they found her beautiful, they took her away—leaving behind only a little baby girl of which she had been delivered some months before.”

^x In original: “Union reigns in my family, and I should not change my place for that of any of the world’s kings.”

^{xi} *Persian Letters*, Letter LXVII, 139-147

LS: Absolute secrecy, because if they would ever find out that they were living in incest of course something very terrible would happen to them. Yes.

Student: It doesn't seem to me to be clear that he had to pay the price of his daughter, because he sold the daughter to the same man to whom he sold himself and his wife.

LS: But there is at least nothing said that they ever recovered her.

Student: Oh yes.

LS: There is? Where?

Mr Roos: "After having addressed myself to all the world, and imploring protection from both Turkish and Christian priests, I addressed myself to an Armenian merchant and sold him my daughter."

LS: Yes, and then he went to the Jews and gave them thirty tomans. But I see no reference to the fact that they recovered her daughter.

Student: And when the wife addresses the merchant she only refers to herself and her husband.

LS: I must say it is not terribly important, because the much more interesting price he pays is of course that he has to conceal the incestuous character of the marriage because that is strictly forbidden. Yes, now this I think goes in questioning accepted principles much beyond what we have seen hitherto. I mean, when he questions revealed religion as such in the name of natural religion and natural morality, this does not in any way include questioning the prohibition against incest. For example, the many people who defended natural religion, natural morality, in the seventeenth and eighteenth century, I think if you only consult what the histories of ideas tell us about it, you would hardly find a reference even to these men questioning the prohibition against incest between brother and sister.

Now this is of course a very long story. And if one would read, for example, the passages in Grotius' *The Right of War and Peace* about incest, you would see how complex the argument traditionally was, and of course in modern times too. I think I mentioned this before, that in Locke's discussion, for example, of marriage in the civil government, there is not a word said about the prohibition against incest. And what he does say, taking the example of dumb animals and their mating—the only difference between animal marriages and human marriages according to Locke is that they must be firmer and more lasting in the case of man, because of the long infancy. But there is not a word about any things which are forbidden.

I think if you would go through the natural law literature of the seventeenth and eighteenth century you would find that this was a difficulty throughout the whole tradition, which we can trace at least to Xenophon's *Memorabilia*, Book IV, chapter 4,

where an argument is given against the incest between parents and children but not between brother and sister. And this is the implication of Plato's *Republic* where there is an implicit prohibition against incest between parents and children—older generation and younger generation may not mate—but within the same generation there is no fundamental prohibition; everyone is everyone's brother and sister anyway, and therefore it is not possible. And this must be even older, because one finds a discussion of this subject in Aristophanes' comedy *Assembly of Women*, which in many ways foreshadows Plato's *Republic*, as is well known but not made use of, and there you have even a state of affairs in which incest between parents and children is in a way imposed. But this is, of course, a comedy you can say. But still, it shows that this kind of questioning, what precisely is natural, what precisely is according to natural law, is very, very old. And therefore we should not be altogether surprised by that. We have to consider it here in its context. Now what that context means I will make clear very soon. But someone had a point.

Student: I was just wondering why you attach so much significance to the question of concealment. It wouldn't seem to me to be very difficult to conceal given the fact that he is living in a different town, the fact that this is his sister.

LS: Yes, but still he was presented as a man of outstanding probity, and probity would seem to require that one doesn't have anything to conceal in the first place. And then there was something else which he said at the beginning about this man which forces one to raise this question. Yes, his heroism, you know the heroism in his heart—I think that refers not merely to this terrific adventure story, but it refers also to this present situation. But this is, of course, not conclusive. It is very hard to live as a fugitive from justice; and he is, in fact, a fugitive from justice. I mean not in the technical sense, because his crime is not known; but according to the law of the land he is a criminal.

Student: Yes, except that he doesn't accept that law. I mean it's not the same as a man who believes himself to be a murderer and is also hiding from the civil law.

LS: But how many murderers are there who do not believe in the law punishing murder? Some of them are perfectly willing to say, the simple observation that if murder were not prohibited they would be at the mercy of every man shooting them in the back, and they would say, I take that risk. And they do take that risk. That would be a somewhat inconsistent man who would say murder is rightly prohibited, but in my particular case it shouldn't be applied, giving some casuistry why it shouldn't be applied in that particular case. But the ordinary case, I believe, as they indicate by the beautiful word "squares" and "crooks" which they apply, the squares are fools; but they are quite powerful at least collectively, and therefore we have to adapt ourselves to make the necessary concessions. But a man of probity, for them it would be a question. So I believe I am entitled to say that there is a price which they pay. Yes.

Student: In the last paragraph before the beginning of the recital, Ibben says he was repugnant to write.

LS: And also that it is entrusted to his friendship. Yes.

Student: I was thinking that the reverse situation is more difficult to conceal, where one pretends one's wife is one's sister as in the Bible with Abraham.

LS: Yes, Abraham pretends it but it is not true. But obviously the king, Abimelech, did not regard incest between brother and sister as a crime. And you know in the early parts of the Bible it is understood that incest between brother and sister was necessary for the propagation of the human species. And you must admit that if all men stem from the same couple, how could they possibly have propagated the species? That, I think, was always admitted. There is only the question, after the human race had become sufficiently numerous then it was strictly forbidden.

Student: Yes, but it's not so much the act between brother and sister but the consequences of it, that is, that it leads to a dissolution of the family and the family—

LS: But this argument is not taken up. One could of course say this is a very broad, political, prudential consideration which justifies prohibition, but would not make the transgression universally a crime. That is implied here.

Same Student: But in letter 46 he divides them between the rules of society and the demands of humanity, the duties of humanity, duties being higher than rules—

LS: But this could very well be such things like the prohibitions against murder and theft which are obviously reasonable. It is clear that if everyone could kill everybody else, take away what belongs to him—even in a communist society of course—there would be the war of everybody against everybody all the time, but there is not an equally evident reason against incest between brother and sister. That's the difficulty. Yes.

Student: At the very beginning of the story it says, "so unfortunate was I that love came to me before reason." This seems to indicate some sort of opposition between reason and love.

LS: Well there is nothing particular about it, because ordinary human beings do not fall in love at the dictate of reason. And even if people are no longer—how old were they, very young, children still—but I have seen people who were as old as nineteen or twenty where the love came before reason. I see no difficulty in that. He only wants to say that they loved each other from their very childhood on, but they maintain it when they have reached maturity.

Same Student: But he also says it's unfortunate.

LS: Given the circumstances.

Student: Yes, but does he feel personally guilty?

LS: No, no, given the circumstances, because it was forbidden in an Islamic country. You want to say something?

Student: Well, perhaps another price that had to be paid was that they had to leave Persia, that they couldn't stay in the home community where their incest would be known, but had to seek out a town like Smyrna which appears to be something like a very cosmopolitan town, not simply Turkish.

LS: Yes, but still Turkish. The Moslems permit Jews and Christians, but no other religion. Now this is a letter of Ibben to Usbek. And Ibben writes very few letters; that's the first if my counting is correct. You would have to check that. There is one more letter, and only one more, of Ibben to Usbek, not in today's assignment but we must read that in order to reach some greater clarity. And that is letter 77. In order to understand this, however, we must read the preceding letter of Usbek to Ibben. And I suggest that we turn now to letter 76, and begin to read it. We do not need the whole letter now, only that we see what it is about.

Mr Roos: "Usbek to his friend Ibben at Smyrna^{xii}:

"European laws are merciless against those who take their own lives. They are made to die, so to speak, a second time. They are infamously dragged through streets; they are covered with ignominy; their possessions are confiscated.

"It seems to me, Ibben, that such laws are quite unjust. When I am overwhelmed with grief, misfortune, scorn, why should they want to prevent me from putting an end to my troubles, and while cruelly deprive me of a remedy that lies in my own hands?

"Why should they want me to go on working for society which I am no longer willing to be a part—"^{xiii}

LS: Yes, "no longer consent to be," in other words, society rests on consent, the famous old story, and that means I may withdraw my consent. That leads to certain difficulties: must I not pay my debts first, meaning back taxes for example, and also military service for a boy; but otherwise I may. Good. So the subject of number 76 is suicide, which of course is one of the hot subjects of moral philosophy, and was frequently and passionately discussed, if always with some precaution, in the seventeenth and eighteenth centuries. And the next letter is Ibben's reply to this statement about suicide. Now this letter is not long. We should read it.

Mr Roos: "Ibben to Usbek at Paris^{xiv}:

"My dear Usbek, it seems to me that for a true Mohammedan, misfortunes are not so much punishments as warnings. Those days that bring us to expiate our offenses are

^{xii} In original: "Usbek to his friend Ibben in Smyrna."

^{xiii} *Persian Letters*, Letter LXXVI, 156.

^{xiv} In original: "Ibben to Usbek in Paris."

indeed precious. It is the prosperous times that we must cut short. What is the function of all our impatience if not to show that we should really like to be happy independently of him who grants felicity, for he is felicity itself?

If a being is made up of two beings, and if the necessity of preserving this union is better proof of submission to the commands of the Creator, a religious law could have been made therefrom. If the necessity of preserving this union constitutes a better guarantee of men's actions, then a civil law could have been made from it.”^{xv}

LS: Well, what does Ibben say about the issue of suicide, is suicide a crime or no crime—that is the issue.

Student: It depends on the civil law.

LS: Also on the religious law. In other words, you can do it both ways. A religious law could have been made. These are all conditional sentences: if a being composed of two beings, meaning body and soul, and the necessity to conserve the union, i.e., life, shows greater submission to the commandments of the Creator—he doesn't settle this question. One might say, it shows greater submission to the commandments of the Creator if you do not maintain and preserve that union under certain conditions.

So without going into the question, without mentioning the issue as stated so clearly by Usbek, he gives this view: I have no objection to prohibition against suicide, but this prohibition rests on premises that can very well be questioned. It is a singularly prudent letter, and also very brief. I think it is an outstanding letter in the whole work, and in a way the key to it.

If this proves to be correct—we must of course consider the other letters—then Ibben would be—now let us turn back for one moment from this letter 77 to letter 67 which we discussed before, the letter as a whole, where Ibben showed the greatest sympathy with this Gueber. The most radical statement which we have hitherto seen was translated by Ibben, but of course only in a story told by this Gueber. But obviously Ibben had no fundamental objection to that. And that is the same man. So I believe he is the most radical man in the whole work as far as we can see hitherto, and therefore gives us some insight into the thought of the author of the *Persian Letters* greater than any other hitherto. There are only two letters from Ibben and they are both to Usbek, but there are fourteen letters from Usbek to Ibben, and ten letters of Rica to Ibben. These are altogether 26 where Ibben is either the recipient or the writer. Now this I thought we should consider under all circumstances, and therefore I took it up first. Now let us turn to the bulk of the assignment. Yes.

Student: The note in this edition points out that this letter was not included in some of the early editions.

LS: Which letter?

^{xv} *Persian Letters*, Letter LXXVII, 158.

Student: Letter 77 was not included in some of the early editions, and there is some thought that it was originally intended to be the conclusion to 76. In other words, it would have been Usbek. But then Montesquieu made it Ibben.

Student: In this edition there is a whole page on this point.

LS: Let me see it. So, in other words, it is very late, in 1754—that is to say after Montesquieu’s death—no, when did he die? 1748 was the *Spirit of Laws*.

Student: Yes, it says here that 1754 was the first time that it appeared. So it was quite late.

LS: It would take me too long to read it now. Perhaps you can read it later and tell us about it. Yes, now let us return to the beginning of today’s assignment, which was letter 48. This is, I think, the longest letter up to this point. It is from Usbek to Rhedi. Usbek presents his life in France as a life devoted to instruction, to learning, but not through books but through seeing people and talking to them. In the third paragraph it is made clear he criticizes Persian customs in regard to the policy regarding women, of which we found some traces before. And he presents here a number of types, I think five types, of men which he found in Paris. The central one is a poet. We might perhaps read that, the eighth paragraph.

Mr Roos: “‘But if I am not bothering you, tell me who is that man across from us who is so badly dressed, makes facial contortions from time to time, uses a language different from other people, has no wit for speaking, but yet speaks to show wit?’ — ‘He is a poet,’ he replied, ‘and a caricature of the human species. People like him say they are born what they are. That is true, and also what they are going to be the rest of their lives, which is to say almost always the most ridiculous of men. Naturally, they are never spared; scorn is poured on them in full measure. Hunger made that particular fellow enter this house, where he is well treated by the master and mistress, whose kindness and politeness cannot be belied by any man. He wrote their epithalamium when they married. That’s the best thing he has ever done in his life, for it has turned out that the marriage is just as happy as he predicted.’”

LS: Yes, so there are happy marriages in France, happier perhaps than in Persia, although the women have such great freedom. Read the next paragraph.

Mr Roos: “‘Perhaps you would not believe it, filled as you are with Oriental prejudices,’ he added, ‘that among us there are happy marriages, and there are women whose strict guardian is their virtue.’^{xvi} The people we are talking about enjoy with each other an

^{xvi} In original: “‘Perhaps you would not believe it, filled as you are with Oriental prejudices,’ he added, ‘but among us there are happy marriages, and there are women whose strict guardian is their virtue.’”

unshakable peace of mind; they are liked and respected by everyone. There is only one thing wrong: their natural kindness forces them to invite all sorts of people—”^{xvii}

LS: That we do not need. So there is this key point, that this Parisian tells him that he must liberate himself from his Oriental prejudices, and he gives good reasons why he should do this, because happy marriages are possible in France. But Usbek’s final reaction is shown in the final paragraph of this letter, where he is shown another type, a very undesirable type. In other words, Usbek is by no means sure that the case for European customs as against Persian customs has been sufficiently made. But we must not forget that this is a letter to Rhedi, if I’m not mistaken, his young nephew, and where he has to consider his avuncular responsibilities. Now let us turn to letter 50, a letter of Rica to that anonymous man again.

Mr. Bruell: Can I just make a point about letter 47?

LS: Yes, the letter of Zachì to Usbek.

Mr. Bruell: At the very end she makes a characterization of the difference between men and women in traveling. The men are only exposed to dangers that menace their life, but the women have to fear for both their life and their virtue. I wonder if that might not indicate another one of these general characterizations, that the men would be the ones of enlightened politics, who consider only self-preservation, and the women—

LS: Perhaps, but it would not by itself be sufficient, this observation, because the women might prefer to die rather than lose their honor. But the same would be true of men also. We cannot always refer directly to what is probably Montesquieu’s highest principle. We have to wait a bit I suppose.

Another Student: He does stress the spirituality of women even in the letter we were just looking at where he says, “Our daughters think only with trembling of the day that is to despoil them of the virtue that makes them akin to angels and spiritual powers.”

LS: The Persians?

Student: Yes, the Persian women.

LS: I cannot figure that out at the moment. Let us see until we come—yes.

Student: This letter also shows how the natural law is absurdly overridden by the absurd customs of Persia. They kill in order to have their little picnic. They kill two people who are—

LS: Yes, that’s true, that is indeed true. But of that there are so many examples in all countries that I did not even notice it. But you were right to mention it. Now letter 50 deals with the subject of modesty. Let us read the second paragraph.

^{xvii} *Persian Letters*, Letter XLVIII, 110.

Mr Roos: “If modesty is a virtue necessary to those whom heaven has blessed with great talents, what is to be said of those insects who dare to make show of a pride that would dishonor even the greatest men?”

LS: Yes, and now the two last paragraphs of this letter.

Mr Roos: “‘You are right,’ our talkative friend interrupted,^{xviii} ‘They have only to do as I do. I never praise myself. I have wealth and position, and I am generous. My friends say that I have some wit. But I never speak of all that. If I possess any good qualities, the one I pride myself most on is modesty.’ I admired the impertinence of that fellow, and while he was talking so loud I said very low: ‘Happy the man who has vanity enough never to speak well of himself, who fears his listeners, and does not compromise his true worth with the pride of others!’”^{xix}

LS: Yes, does he not suggest that modesty is a modification of vanity, the most prudent and clever form of vanity. That would be quite in line with the general tendency of this kind of moralist. The next is the letter of the Persian envoy to Moscow, where of course Peter the Great is mentioned. In number 53 we hear a little bit more about the eunuchs in a letter from one of the women in Ispahan. Let us read the sixth paragraph.

Mr Roos: “I have heard you say a thousand times that eunuchs find with women a voluptuousness unknown to us, that nature compensates them for their loss, that she has resources to make up for the disadvantage of their condition, that one can stop being a man but never cease being sensitive, and that, in that state, a person is as if in a third sensuality where, so to speak, he only changes pleasures.”^{xx}

LS: That is the point. In other words, they have a kind of pleasure which non-eunuchs, men or women, do not know. This was indicated to some extent in earlier letters, the pleasure especially deriving from power, the peculiar kind of power they have. In 54 there is presented a man who is eager to shine but doesn’t have any success. These are constantly types of men, and by no means merely Frenchmen. And the manners of the Regency, the French Regency, that’s the sociological view of stating it, but it is the kind of thing which had been done throughout the times, at least since Theophrastus, the pupil of Aristotle, *The Characters*, with special regard to the form these vices took in this particular time.

Student: He mentions eunuchs getting married twice, but I would have thought that it would have been prohibited by Mohammedanism. I don’t know the specifics, but isn’t

^{xviii} In original: “You are right,” our talker took over again abruptly.”

^{xix} *Persian Letters*, Letter L, 114-15.

^{xx} In original: “I have heard you say a thousand times that eunuchs find with women a voluptuousness unknown to us, that nature compensates for her losses, that she has resources to make up for the disadvantage of their condition, that one can stop being a man but never cease being sensitive, and that, in that state, a person is as if in a third sensuality where, so to speak, he only changes pleasures.” *Persian Letters*, Letter LIII, 120.

there something against a man marrying a woman who he can't fulfill the obligations toward?

LS: I would take it for granted, but we have to take Islam as Montesquieu presents it. Whether on the basis of his ignorance or in spite of his knowledge, that would need a new investigation.

Same Student: But had he done it intentionally to broaden the relations—

LS: Yes, because of the symbolic meaning of eunuchs, that they are the mediators between the women and the master. In 55 he speaks about French manners regarding fidelity. This is interesting for the development of these Persians, a letter to Ibben from Rica. We don't have to read the whole letter. Let us read the end of the fourth paragraph.

Mr Roos: "Here husbands accept their lot with good grace and consider the unfaithfulness of their wives as a stroke of some inevitable fate. A husband who insisted upon keeping his wife to himself would be looked upon as a disturber of the public pleasure, of a madman who would profit on the light of the sun to the exclusion of other men.^{xxi}"

LS: Yes, and the beginning of the next paragraph.

Mr Roos: "Here a husband who loves his wife is a man lacking the attraction to make himself loved by another woman—"

LS: So, in other words, that is nothing to boast of.

Student: It seems we're coming to that, you know.

LS: Yes, I do not know that, but I hear all kinds of things. A little bit later, the third paragraph from the end.

Mr Roos: "A man who, in general, permits the unfaithfulness of his wife is not censored. On the contrary, he is praised for his prudence. It is only particular cases that might dishonor him.

"Not that there are no virtuous ladies. It can even be said that they claim a certain distinction. My guide always pointed them out to me. But they were all so ugly that a man would have to be a saint not to hate virtue."

LS: Yes, and the last paragraph.

^{xxi} In original: "A husband who insisted upon keeping his wife to himself would be looked upon as a disturber of the public pleasure, as a madman who would profit by the light of the sun to the exclusion of other men."

Mr Roos: “After what I have told you about the customs of this country, you can easily imagine that Frenchmen do not worry much about fidelity. They find it just as ridiculous to swear to a woman that they will always love her as to maintain that they will always be in good health, or always happy. When they promise a woman that they will always love her, they understand that she, for her part, promises them to remain lovable—”

LS: “always lovable”

Mr Roos: “—and if she is not as good as her word, they no longer feel bound to theirs.”^{xxii}

LS: Yes, the argument is not difficult to follow, I take it. But the interesting point in the development of this work is, has now Rica been converted to the European values. The latter point, is this not a kind of vindication of polygamy. You have a kind of legal substitute if this condition is no longer fulfilled. That is also possible. In the next letter which is from Usbek to Ibben about gambling, the last paragraph.

Mr Roos: “It would appear that our Holy Prophet had principally in mind to keep us from everything capable from perplexing our reason. He forbade to us the use of wine which shrouds the reason; by an explicit rule, he forbade games of chance to us; and when it was impossible for him to remove the cause of our passions, he attenuated them.”^{xxiii} Love among our kind—”

LS: The letter refers to polygamy.

Mr Roos: “Love, among our kind, involves no vexation, no rage. It is a languid passion, which leaves our soul in tranquility. The plurality of women saves us from their despotism. Their numbers temper the violence of our desires.”^{xxiv}

LS: So this is then a vindication of Islam at a rather advanced stage, of Islam as a rational or rather rational religion, and in a letter not addressed to an Islamic clergyman but to Ibben. By the way Ibben is an uncle of Rhedi, as you could see from the beginning of #25. So there is some connection. Now let us see. Some of the things are not immediately interesting; they are just letters that almost anyone could write them when suddenly confronted with a foreign country never seen before. Let us turn to letter 59, the two last paragraphs.

Mr Roos: “It seems to me, Usbek, that we never judge of matters except by a secret reflex we make upon ourselves. I am not surprised that Negroes should paint the devil in blinding white, and their own gods black as coal; nor that the Venus of certain tribes

^{xxii} *Persian Letters*, Letter LV, 123.

^{xxiii} In original: “It would appear that our Holy Prophet had principally in mind to keep us from everything capable of perplexing our reason. He forbade to us the use of wine since it buries reason; by an explicit rule, he forbade games of chance to us; and when it was impossible for him to remove the cause of our passions, he attenuated them.”

^{xxiv} *Persian Letters*, Letter LVI, 124.

should have breasts that hang to her thighs; nor that all idolaters should have pictured their gods with human faces, and should have advised them of all their inclinations.^{xxv} It has been well said that if triangles were to create a god, they would give him three sides.

“My dear Usbek, when I see men crawling about on an atom, I mean the earth, which is only a speck of the universe, and proposing themselves as models of divine providence, I don’t know how to reconcile so much extravagance with so much pettiness.”^{xxvi}

LS: Littleness, yes. Now men’s radical self-centeredness, which means not only the Frenchmen’s self-centeredness—is there any connection between this and the letters? Would he have made the observations in Persia where he was too much involved and too little free to be a mere observer? I think the refutation is that this was written by a Frenchman living in France, although a Frenchman who had traveled a lot but only within Europe of course. So this would not help us very much.

Letter 60 is again a letter to Ibben, where Usbek speaks also of a certain superiority of Europe. The letter is devoted to the Jews and their situation. Read the second paragraph before the end.

Mr Roos: “They have never known in Europe a calm similar to that they now enjoy. Christians are beginning to cast off that spirit of intolerance by which they were once animated. They found themselves in bad straits for having expelled the Jews from Spain, and in France they suffered from having harassed Christians whose belief differed a bit from that of the Prince.”

LS: He means the Huguenots.

Mr Roos: “They have realized that the zeal for advancement of religion is different from the attachment one should have for it and that to love and observe one’s religion, it is not necessary to hate and persecute those who do not observe it.

“It would be desirable for our Mussulmans to think with as much common sense on that score as the Christians, and it would be desirable also for them to manage to make peace between Ali and abu-Bakr—”

LS: Meaning between the Shi’ites and Sunnites.

Mr Roos: “—and to leave to God the problem of deciding on the relative merits of those holy prophets. I should like them to be honored by acts of veneration and respect, and not

^{xxv} In original: “It seems to me, Usbek, that we never judge of matters except by a secret reflex we make upon ourselves. I am not surprised that Negroes should paint the devil in blinding white, and their own gods black as coal; nor that the Venus of certain tribes should have paps hanging to her knees; nor that all idolaters should have pictured their gods with human faces, and should have advised them of all their own inclinations.”

^{xxvi} *Persian Letters*, Letter LIX, 128-29.

by a vain show of preference, and I should like to see us deserve their favor whatever place God has assigned them, be it to the right or under the footstool of his throne.”^{xxvii}

LS: Yes, so in other words that is another superiority of Europe, where he can hold Europe as a model to Persia, as also in regard to women as we have seen. In the next letter there is the self-criticism of a Christian clergyman dealing with the dangers of zeal.

Student: But it seems that his justification though—he said they found themselves in bad straits. It was economic wasn’t it, because these people were craftsmen or merchants; and so they suffered because they had no one to replace them, rather than they had a change of heart.

LS: Yes, that is true. How would Montesquieu argue that out?

Same Student: Well, probably that interest is the stronger—

LS: That religious zeal does harm to the common good, to the public interest. Therefore, this is the argument. You have to transform the brute fact, the decline of the economy in Spain after the expulsion of the Jews, you have to transform this into an argument. These things do not work if they are not made explicit and understood as cause and effect. Do you see the point? These so-called economic forces, in the moment they become known as such, they become known as a causal relation, and therefore they affect rational action afterwards.

Of course a key question is here omitted naturally, as in all kinds of this argument, namely, perhaps the common good as the this-worldly good is utterly uninteresting and insignificant compared with purity of faith and purity of faith in a country, as the Spaniards of that time surely thought. You know, this would of course have to be phase two, and this argument is not discussed here at all. We have brought this up in connection with the *Spirit of Laws* some time ago, whether one could not say whether a religion is refuted by the fact the economic or political consequences to which it leads are unsatisfactory. Do you see that this does not necessarily follow? It’s important to think about that.

Student: The other side of that is that if the religion is conducive to the common good, i.e., conducive to national unity or something like that, then the expulsion of dissidents or the killing of them may be interpreted as being conducive to the common good.

LS: Yes, sure, that was always known.

Same Student: And this is, of course, part of the problem, especially with the French case that he raises here.

LS: Yes, that was always done, surely, and one must of course consider this whole point. But the fact that a religion has undesirable political, social, and economic consequences

^{xxvii} *Persian Letters*, Letter LX, 130.

does not necessarily constitute a refutation of that. I mean, assuming that this is a valley of tears, something which is adjusted to the valley of tears is not necessarily good. I state it rather crudely, but one has to take this very seriously. This is only a part of the argument, and only if people would say a religion is necessarily, the true religion is necessarily also the best from the point of view, say, of politics, and the Bible has stated this very neatly I think in the story: Moses is presented as a rather poor public administrator, and he learned the rudiments of public administration from his father-in-law, a pagan, Jethro. He was much better as a public administrator than Moses was. And so it could very well be that a certain kind of paganism is more conducive to good public administration than revealed religion. That wouldn't settle the issue. That would not settle the issue. One must think this through, and not take this for granted that political superiority, or even excellence, is the highest standard. That is in need of some reconsideration. Otherwise, one makes things much too easy and simple.

Now in this letter from this ecclesiastic about the dangers of religious zeal which surely shows—that is perhaps the most important in the context—shows that the spirit of tolerance affects even the European clergy, and not only the laymen as we had seen before. Now letter 62 deals again with the question of the harem, and we might perhaps read the beginning of this letter.

Mr Roos: “Zelis to Usbek at Paris^{xxviii}.”

“Since your daughter has reached her seventh year, I thought it time to have her enter into the inner apartments of the seraglio and not to wait until she is ten to give her into the keeping of the black eunuchs. You can't start too early to cut a young person off from the freedom of childhood and give her a holy education within the sacred walls where modesty dwells.”

LS: Yes, read the next paragraph please.

Mr Roos: “For I cannot agree with those mothers who shut a daughter away only when they are about to give her a husband, who condemn their daughters to a seraglio rather than consecrate them to it and who, with violence, make them accept a way of life to which the mother should have been inspiring them. Are we to expect everything from the strength of reason and nothing whatsoever from the gentle effect of habit?”

LS: So the harem is a sacred thing, a kind of dedication, of consecration, is required, and this is connected with the limits of reason as you see from the end of this paragraph. Now, the paragraph after the next.

Mr Roos: “If we were tied to you only by bonds of duty, we could sometimes manage to forget them. If we were drawn towards you only by inclination, a stronger inclination might very well weaken the first. But when the laws give us over to one man, they take us away from all others and place us as far away from them as if we were a hundred thousand leagues away.”

^{xxviii} In original: “Zelis to Usbek in Paris.”

LS: So, in other words, the counterweight against—I mean that which is stronger than reason is the law because of its coercive character. And then the next paragraph.

Mr Roos: “Nature, industriously bent on the welfare of men, has not limited herself to giving desires to them. She wanted us to have our own and chose that we should be the living instruments of men’s felicity. She put us into the fire of passions in order to enable men to live peacefully. If men stray from their unfeeling equilibrium, Nature has destined us to bring them back to it, without our ever being able to enjoy that happy state where we place them.”

LS: Yes, now what does he mean by that? The women are inferior because their passions are stronger than those of men. Is this not what is here implied? “We can never enjoy that happy state into which we put them.” We do not have to go into the question whether this is all factually correct, which would lead us into an infinity of questions. We leave it at what it directly conveys. Yes.

Student: I wonder whether he wants to give the feeling of a convent, because in the English translation he has “holy education,” “sacred walls.”

LS: Yes, that is clear. That is the least one would have to say. There is something religious about it. But it is made clear later in the second paragraph before the end, where she calls the sacred walls within which she lives “the prison in which you retain us.” So this is, in other words, a very harsh kind of conversion. Yes.

Student: She seems to assume that women by nature are inferior to men, and are less able to be happy than men, but that could also be simply a result of the laws and the harem that women are never satisfied. There are so many of them in the harem where the man is, and maybe under a monogamous system it would work differently.

LS: Sure, but then we would have to consider whether he is not also using the women in harems and the eunuchs as a symbol for other relations.

Student: Perhaps I misunderstood you, but it seems what he’s talking about when he says the women can’t enjoy that happy state is the peacefulness of men who have been satisfied as opposed to merely the enjoyment of passions. She says, “She put us into the fire of passions in order to enable men to live peacefully. If men stray from their unfeeling equilibrium (which would seemingly be their normal state of affairs unbothered by passion) nature has destined us to bring them back to it, without our ever being able to enjoy that happy state where we place them.”

LS: Yes, the happy state of satisfaction.

Student: Isn’t it more than satisfaction, that men are no longer bothered by passions and therefore—

LS: Yes, what he called a languid state, a pleasant languid state, in an earlier letter. Now let us read the second paragraph before the end where she takes up this whole relation again.

Mr Roos: “Even in this very prison where you hold me, I am freer than you. You could not possibly redouble your concern for guarding me without my drawing pleasure from your worry. Your suspicions, your jealousy, and your heartaches are all so many proofs of your dependency.

“Go on with them, Usbek. Have me watched over day and night. Don’t even rely on ordinary precautions. Add to my happiness by assuring your own, and know that I dread nothing save your indifference.”^{xxix}

LS: So the women live in prison, and yet they are freer than the men because the men depend more on them than they do. And applied on the political plane, in a despotic government the vizier—and indirectly of course also the sultan—is in a way more dependent on the people, and therefore less free, than the other way around. Yes.

Mr. Bruell: I wonder whether you can take this to mean the women generally, because Zelis who writes the letter only wrote one other letter previously and in that also she appeared to be very extraordinary. The other women wrote of their particular problems or of their passions to Usbek, whereas she writes of her superiority to him, and also of her handling various affairs. She is the only one of the women who appears in some sense, at least in some limited sense, to be a ruler. She’s the only one who speaks in such general terms of her condition.

LS: Well, could one not say that she is more thoughtful than the others? Is that what you mean?

Mr. Bruell: Yes.

LS: These are general reflections after all which she makes here in this letter.

Mr. Bruell: But does that distinguish her? You understand her still to be a spokesman³ [for] the women, given that the women may represent something else?

LS: Well here is this not the case that she starts from a particular question, what should happen to her daughter, but she goes into very general reflections in the rest of the letter?

Mr. Bruell: But she says, *I* am as happy as you are happy, not that the women generally; and the other women wrote of their misery.

LS: Yes, but she speaks also of *us*, as you can see. In paragraphs 3-5 she speaks of “us,” and then she speaks again of herself, that is true.

^{xxix} *Persian Letters*, Letter LXII, 132-33.

Another Student: When she speaks of women in general she talks about their inferiority.

LS: Yes.

Same Student: And then she says however, *I* have had a thousand pleasures.

LS: Yes, that's true. How many letters are from her?

Mr. Bruell: This is the second. I don't know about after this.

LS: Yes, the only thing I have seen now this time of the characters of the letter writers concerns Ibben, the point which I made at the beginning of this meeting that Ibben seems to be the peak, as it were, as far as questioning of established orders are concerned.

Student: She seems to be berating him though in the last two paragraphs because she says, I am freer, you can double your concern, I'll draw pleasure from it, your suspicions are only proof of your dependency. In a way it sounds plaintive and quite sad. She might be saying to him what the other women are saying, but with a different type of expression. She's better at covering her basic emotions.

LS: But one would have to compare this letter with the letters of the other women, which I have not done. And you have done that to some extent? Yes, that would be necessary. Now, one more point. In the next letter of Rica to Usbek let us read a few passages, the second paragraph.

Mr Roos: "As for me, I am leading about the same sort of life you saw me leading before. I get around the world of society and try to get to know it well. My mind is slowly losing everything Asiatic that was left in it, and I am adapting painlessly to European customs. I am no longer so startled to see five or six women with five or six men in a house, and I find this is not such a bad idea."

LS: Now here he speaks explicitly. In other words, he not merely unconsciously reveals his assimilation to that foreign world, but he is aware of it. Yes.

Mr Roos: "I can really say that I have known women only since I have been here. I have learned more about them in a month than I would have learned after thirty years in a seraglio.

"With us their characters are all the same, because they are forced into a mold. We don't see people as they really are, but as they are forced to be—"

LS: "as one obliges them to be."

Mr Roos: "In that servitude of heart and mind, there is talk only of fear, which has but one language, and no talk of nature, which expresses itself in such varied ways and appears under so many forms.

“Dissimulation, that art so practiced and so necessary among us, is unknown here. Everything speaks out; everything is visible; everything is audible. The heart shows itself as clearly as the face. In their customs, in their virtue, even in vice, something akin to naïveté is always visible.”^{xxx}

LS: Now let us stop here. Needless to say he exaggerates a bit about eighteenth century France, about any country at any time. But there is a difference surely, greater freedom or license than you find in Persia. But he doesn’t call it here “freedom,” except by implication. He speaks of the difference between nature and not nature, which is here called “fear” which inhibits nature. It’s this old opposition of nature and convention. The Easterners, everything is ruled by convention; but here in the West nature can speak, and therefore the individual in his individuality can show himself or herself. Whereas when convention rules, all follow, obey the law, the rule. Naturalness and individuality belong together. That is an important point here.

A few words only about the rest. The next letter reports rebellion in the harem. And the chief of the eunuchs, [of] the black eunuch[s], warns Usbek that he is too gentle and that much more severe punishments are needed in order to keep the women in order. And he speaks of his model, another eunuch who brought him up, and he states the maxims of this other man. “The slightest refusal to obey was punished without pity. ‘I am a slave; he said, ‘but I am the slave of a man who is your master and mine, and I use the power which he has given me over you. It is he who punishes you, not I, who only lent my hand to it.’”^{xxx} So he makes clear that he must be given a very great discretionary power if he is to control the women, the power to bind or to loose one could say if he is to be a good servant of his master. Let us read the last paragraph.

Mr Roos: “Leave my hands free; permit me to force obedience. One week will see order put back into the heart of confusion. That is what your glory calls for and your security demands.”^{xxxii}

LS: Yes, and the reply by Usbek, we see again that he is a rather kind man; you remember just as when this poor young fellow was to be made a eunuch and wrote him and he said, all right, your wish is granted. Here too he is willing to postpone the harsh measures proposed by the—what was it, the chief black eunuch?

Student: Yes.

LS: They are of course worse than the white ones, according to a well known prejudice, well known even in this country, as you doubtless have read. Good.

¹ Deleted “and.”

^{xxx} *Persian Letters*, Letter LXIII, 133-34.

^{xxx}ⁱ *Persian Letters*, Letter LXIV, 135, Strauss’s own translation.

^{xxx}ⁱⁱ *Persian Letters*, Letter LXIV, 137.

² Deleted “Bottom of 141..”

³ Deleted “of.”

Session 13: May 9, 1966

LS: [In progress] As often in such cases, one sees only when is deprived of a good, how good that good was. We will begin where we left off last time. We had reached letter 67, this most radical letter hitherto, which dealt with the question of incest—I don't have to repeat that. Now letter 68, the immediately following one, describes a judge who does not know the laws, a satire on France and the situation at that time. It is rather trivial. It is followed by another interesting letter, 69, devoted to metaphysics, to natural theology, not revealed. I think we should first turn to this letter and read the beginning, the first two paragraphs.

Mr Roos: "You could never have imagined that I should turn more a metaphysician than I already was; and yet that's what has happened. You'll be convinced of it once you have endured this outburst of my philosophy.

"The most reasonable philosophers who have reflected on the nature of God have held that he is a being completely perfect, but they have sorely abused that idea. They have made an enumeration of all the different perfections that man is capable of having or imagining, and have weighed down their notion of the divinity with them, without reflecting that often these attributes are mutually restrictive and that they cannot exist in the same being without destroying one another."

LS: So, in other words, the starting point is the traditional view that God is the *ens perfectissimo*, the absolutely perfect being; and it must be understood that this must be true perfections, not imagined perfections, because otherwise we come into contradictions. Therefore one has to be careful in ascribing perfections to God. This is not particularly novel. Yes.

Student: He seems to imply though that they can be—that you can have true perfections which somehow or another contradict each other, doesn't he?

LS: Yes, that leads into deeper waters. But the simple view would be that they cannot then be true perfections. We come to that right away. Let us read the next paragraph.

Mr Roos: "Poets of the West say that a painter wanted to make the portrait of the goddess of beauty, assembled the most beautiful Greek women and took from each her most pleasing feature, from which he reconstituted an entity that he believed to resemble the most beautiful of all the goddesses. If a man had tried to conclude from this that she was blond as well as brunette and that she had both black eyes and blue eyes, that she was haughty as well as tender, he would have been taken as a fool."

LS: Yes, now if we take this image very seriously, it implies that there cannot be a most perfect being. There is no perfection which is not indissolubly linked with an imperfection. Let us take this example, you can't have blue eyes, the perfection of blue

eves and the perfection of black eyes at the same time. There is no simply perfect being. If we translate this comparison literally into metaphysical language, then we arrive at that conclusion. There is no good without an accompanying evil, that is a specific evil that accompanies it, or defect if you think the word evil is too harsh. Something of this kind played a great role in Machiavelli's thought, as far as I can see. Now let us go on.

Mr Roos: "Often God is lacking in one perfection that would be capable of endowing him with a great imperfection. But he is never limited save by himself, he is his own necessity. Thus, although God is omnipotent, he cannot break his promises nor can he deceive mankind. Often, the impotence is most likely to be not in him but in related things, and that is why—"

LS: "Not likely" is the translator's addition. "Often the lack of power is not in him but in things relative."

Mr Roos: "And that is why he cannot change the essences of things."

LS: So here he comes somewhat closer to what the issue is. Omnipotence, unqualifiedly understood, could not coexist with justice. Omnipotence, literally understood, means God can do everything, i.e., can commit unjust action, and that, of course, would be incompatible with his justice. And also it cannot coexist with his wisdom, and that is what the knowledge of essences refers to here. So his justice and his wisdom limit his power. But this is, as he makes clear, no extrinsic limitation, but an intrinsic one. God himself is his necessity.

Student: Yes, but this is only if the potency or the power is exercised. I mean there is always the problem of discussing God in anthropomorphic terms.

LS: But can God be unjust? In other words, God could be a devil, to state the extreme case; but *could* he be a devil?

Same Student: No, but he doesn't exercise his omnipotence.

LS: That is the point. Is it merely a fact that he doesn't exercise his omnipotence, or is it impossible for him to exercise it? That is what he means by "God himself is his necessity." God cannot possibly be a devil and act like a devil. He cannot do what a devil would do. That is the point which he makes here. Now the next paragraph.

Mr Roos: "Thus, it's not surprising that some of our doctors have dared to deny the infinite prescience of God on the grounds that it is incompatible with his justice."

LS: Now he mentions here for the first time the chief theme of this letter, that is, divine prescience. And you see, he speaks here of our doctors; these are, of course, not European doctors, but Islamic ones. This is a thing which he didn't learn in Europe. And the point is the incompatibility of infinite prescience, let us say omniscience, the more common expression, with justice. Justice presupposes men's freedom, meaning this: God

could not reward and punish men justly if men were not responsible for their actions, but they cannot be responsible for their actions if they were not free. And that will be the burden of the letter, the argument that omniscience and human freedom are incompatible. In the meantime this argument has played a very great role in the literature on theology. Did you want to say something?

Student: The last sentence of the previous paragraph we just read—I didn’t understand it. I was wondering if you would give your interpretation of it: “Often the impotence is not in God but in related things, that is why God cannot change the essence of things.”

LS: “not in him but in the relative things”—why he calls them relative I do not know—that’s a question, a necessary question—but at least it includes all things other than God. This is clear, because it is opposed to him. The impotence is not in him, but in the relative things. And that’s the reason why he cannot change the essence of things. The essences of things, say a dog or a man, cannot be changed, because God would act against his knowledge, his wisdom, in doing that—that’s implied here. Now let us go on where we left off.

Mr Roos: “However daring this idea may be, metaphysics lends itself very well to it. According to its principles it is not possible for God to foresee things that depend on the determined factors of free causes, for that which has not yet happened does not exist, and consequently cannot be known.ⁱ For a nothing, totally lacking in properties, cannot be perceived. God cannot read a will that doesn’t exist, nor see in a soul something that is not in it. Until it be determined, the action that determines the soul is certainly not in it.”

LS: So that is the elaboration of this point. That is *the* conflict of divine perfections, or imagined divine perfections, with which he is here concerned: omniscience and creating a free being. It is of the essence of free actions—that is the point which he makes here—that they are unforeseeable, and that he will develop, unforeseeable even by an omniscient God.

Student: What confuses me about this is that it seems to say is that God is like a very intelligent person, and he exists in the same way and in a certain point in time, as opposed to simply being an eternal being that exists at no particular time. And therefore he would have to predict something according to natural laws and hence—

LS: Shall we finish it, because he develops it more fully in the next two paragraphs. The next paragraph is the central paragraph. Yes.

Mr Roos: “The soul is the artisan of its own determination, but there are occasions when it is so undetermined that it doesn’t even know into which direction to determine itself. Often it does so only to make use of its freedom in such a way that God cannot see that

ⁱ In original: “However daring this idea may be, metaphysics lends itself very well to it. According to its principles it is not possible for God to foresee things that depend upon the determined factors of free causes, for that which has not yet happened does not exist, and consequently cannot be known.”

determination in advance—neither in the action of the soul nor in the action made upon it by exterior objects.”

LS: We have to read the following paragraph also, but what does he mean by “often the soul doesn’t do it except in order to make use of its liberty,” meaning to show to itself that it is free and without any motive to act in this particular way, any other motive. Yes.

Mr Roos: “How could God foresee things that depend upon the determination of free causes? He could see them in only two ways: by conjecture, which is contradictory to his infinite prescience; or else as necessary effects following infallibly upon a cause that infallibly causes them. And this is even more contradictory, for then the free soul would be free only by supposition—”

LS: No, no, that’s wrongly translated: “for the soul would be free by the supposition,” by what we presuppose in this argument.

Mr Roos: “—and in fact would be no more free than is a billiard ball to move when struck by another.”ⁱⁱ

LS: He argues against omniscience on the basis of the presupposed freedom of man. We shall later return to that. The point is this: God’s conjecturing is incompatible with his omniscience, because conjecturing is not knowledge. So God must know; but if he knows it, as will be developed in the sequel, he predetermines it. So therefore divine omniscience is incompatible with human freedom. Let us read the sequel. We have to read this letter.

Mr Roos: “Do not, however, for one moment believe that I am trying to limit the knowledge of God. Since he causes his creatures to move at his fancy, he knows all he wants to know. Even though he can see everything, he does not always use this faculty.ⁱⁱⁱ Normally, he leaves to his creature the faculty of acting or not acting, in order to leave to the creature the possibility of merit or demerit. It is then that he gives up his right of acting upon the creature or determining that action. But when he wants to know something he knows it from all time, for he has only to will that it happen as he sees it and to determine his creatures in conformity with his will. Thus it is that he draws forth what is to happen from the number of purely possible things by fixing with his decree the future determinations of minds, and by depriving them of the power he has rendered them either to act or not to act.”

LS: Yes. Now here Montesquieu tries to reconcile Usbek’s heretical statement with divine prescience, and says God *could* foresee everything, but he abstains from foreseeing everything in order to leave room for human freedom. Yes.

ⁱⁱ In original: “And this is even more contradictory, for then the free soul would be free only by supposition and in fact would be no more free than is a billiard ball to move when pushed by another.”

ⁱⁱⁱ In original “But even though he can see everything, he does not always use this faculty.”

Student: It seems that Montesquieu is equating knowing that something is going to happen and a lack of freedom for the people involved in the action. In other words, if God knows the future, this means that God determines it.

LS: Foreseeing is equal to determining—that is the point.

Same Student: Well it's curious, I think the scholastic argument against this was, which he doesn't seem to consider, that it is possible to know that something is going to happen and not do anything about it. In other words, you could conceive that something is going to happen, and the persons involved could still be free.

LS: Well, in the case of us humans it is easy to see. We can foresee a thunderstorm, and we are in no way responsible for the thunderstorm coming. But what in the case of God is the first cause, is the ultimate cause of everything? That would be the question. So let us keep this in mind. Foreseeing is identical with determining. God could determine everything, but he abstains from determining everything just as he abstains from seeing everything. There is human freedom to the extent to which God abstains from coercing, so to say, determining and abstains at the same time from knowing, foreseeing. That is because of the inseparability of God's foreseeing and determining. Let us first continue so that we can better understand it.

Mr Roos: "If one is permitted to make a comparison in a matter which is far above comparison: a monarch does not know what his envoy will do in an important matter. If he wants to know, he has only to order his envoy to act in just such a way and then he can give assurance that things will turn out as he planned them."

LS: There is a human analogy, Montesquieu says. Knowing, the future means determining the future, the analogy in the case of the king who can command, and when he commands it will be done. Now that in the case of man has certain qualifications. The ambassador in this case must obey; he must not have died; and many other things. But as in all such analogies, what is true in human beings only in a qualified sense, in a darkened sense, is true unqualifiedly, and in perfect brightness, so to speak, of God. Now the whole argument can be reduced to one very simple formula: the intellect of God is identical with the will of God, *intellectus Dei est voluntas Dei*. And this is the key thesis of Spinoza's *Theological-Political Treatise*. Spinoza proves with ease on the basis of this premise that miracles are impossible, and revelation is impossible, and everything else.

Student: Doesn't this whole thesis depend on the idea that God is subject to time, that for God things do change. Augustine considered the same problem, if I'm correct, and Augustine's solution was that for God all things are present.

LS: But still, at one point or another you have to translate your strictly theological statements, strictly eternalistic statements, into statements including time if they are to be of use [for us] in our practice, which necessarily proceeds in time. That's the point. You have to do that sooner or later. But we would first like to understand what he is driving at. The key point is, to repeat, in Spinoza's simple formula: the intellect of God is equal to

the will of God; and hence knowing the future means determining the future. One can also state the difficulty as follows, that the time comes in the moment you speak of knowing the future. Here we live in the present, and we act with a view to the future but ignorant of the future. God is not ignorant of the future. God knows the future. How he knows it—that is the question which you raised. But he must know it as omniscient of course as it appears to human beings, i.e., as future. An omniscient God must have knowledge of temporality, otherwise he would not be omniscient. Otherwise God would only know the eternal essences, say the essence of man, but not the individual men. There could also not be providence for the individual, and all this kind of thing. Now let us go on.

Mr Roos: “The Koran and the book of the Jews are forever in conflict with the dogma of absolute prescience. In these texts God seems to be without knowledge of the future determination of minds. This would seem to be the first truth taught to men by Moses.”

LS: Yes, this is also straight from Spinoza, the *Theological-Political Treatise*, chapter 2, section 32 ff. Spinoza of course doesn’t use the Koran, but he uses the Old Testament to show that the God of the Old Testament, [many passages] for example that God repented something in the story of the Deluge—now repenting, means of course that he did not foresee—and so on in other passages of the same kind. Yes.

Mr Roos: “God put Adam in the terrestrial paradise on condition that he not eat of a certain fruit: an absurd rule by a being that is supposed to know the future dispositions of the soul. Can such a being attach conditions to his favors without making them ludicrous?^{iv} It is as if a man who already knew of the capture of Baghdad would say to another, ‘I wager you one hundred tomans that Baghdad will be taken.’ Wouldn’t that be a rather poor joke?”

LS: No, no, “if Baghdad is not taken.”

Student: Our translation says “will be taken.”

LS: No, no, is there any doubt about the text, “*si Bagdat n’est pas pris.*”

Student: But it says nothing about a bet though. It says, “I give you one hundred tomans.”

LS: Yes, “if Baghdad is not taken, which would be a rather bad joke.” And the last paragraph.

Mr Roos: “My dear Rhedi—”

LS: Rhedi is the nephew of Rica, so a younger person, younger than Usbek.

^{iv} In original: “God puts Adam in the terrestrial paradise with the proviso that he not eat of a certain fruit: an absurd rule in a being that is supposed to know the future dispositions of the soul. For can such a being attach conditions to his favors without making them ludicrous?”

Mr Roos: “—why so much philosophy? God is so sublime that we cannot even perceive his clouds. We know him well only through his precepts. He is immense, spiritual, infinite. May his grandeur bring us back to a realization of our weakness. Always humiliating the self means adoring Him always.”^v

LS: In other words, he gives now a reduced version of the natural theology where this difficulty is out, the difficulty caused by omniscience is out. We know God well only in his precepts, say love of our neighbor. As for his being, in every sense of the word we do not know him well. The attributes which are specifically mentioned are immensity, spirituality, and infinity, as you have seen. One could of course raise the question, how does Usbek know these attributes, to say nothing about God’s existence? That would be a question which is not answered here. But he argues somehow *ex concessis*, on the basis of things granted. He argues against omniscience on the supposition of human freedom. This does¹, however, [not] necessarily mean that for Usbek or Montesquieu freedom is an undeniable fact on the basis of which you can argue perhaps against divine omniscience. We cannot infer more than this, that in the traditional position, both human freedom and divine omniscience are asserted, and according to Usbek they are contradictorily asserted.

Why did he not argue on the basis of omniscience against freedom, which he could also have done, as Spinoza did? I think one can say that we have observed that the primary concern of Montesquieu is with morality rather than with religion. And it makes sense, very much sense, to say that morality as responsibility for our actions is not possible without freedom. Incidentally, Aristotle’s situation is, I think, the same on this point. We cannot act virtuously without freedom. But there is no divine omniscience in Aristotle. And to that extent the position is in no way novel, since Aristotle was not novel.

But I must say that I think the immediate “source” is Spinoza, not the *Ethics* so much in which this formulation, intellect equal to will, doesn’t play a role, but the *Theological-Political Treatise* where the axis of the argument is this equation. Good. So this throws some light on the problem of natural theology. I trust you all know the difference between natural and revealed theology. But just to make sure, Mr. Roos explain it to the class. You are supposed to know the best.

Mr. Roos: I would assume that natural theology is theology carried on purely by the use of reason.

LS: Yes, and revealed is based on revelation. We have seen so many questionings of revealed religion and of revelation that we cannot assume that Montesquieu accepted revelation, but why should he not accept natural religion, natural theology? And we see if he accepts it, surely with considerable modifications. Yes.

Student: Do you think that there is a change between some of the implications of this view and the *Spirit of Laws*, because he seems to imply here that if there are discernible causes . . . then the action is not free. And he seems to be arguing here for freedom.

^v *Persian Letters*, LXIX, 148–51.

Whereas in the *Spirit of Laws* he seems to be arguing that there are causes for every action.

LS: Yes, that induced me to say, we cannot infer from this letter that Usbek or Montesquieu simply accepted human freedom, but in arguing from human freedom tried to show the incompatibility of human freedom and divine omniscience. In other words, that was used only for a critical purpose against the traditional position. It does not necessarily reveal his own position, that he believed in freedom. There is no clear statement as far as I remember in the *Spirit of Laws* in favor of freedom of the will. Or is there one? Political freedom and moral freedom, of course, but Spinoza too spoke of freedom,² [of] moral freedom, but it had nothing to do with indeterminacy, with a *liberum arbitrium indifferentiae*. That was the key point, freedom understood as indifference in this sense, that man is under no compulsion, no coercion whatever, intellectual or other, to choose this in preference to that. There are certain difficulties connected with that. The point for the *liberum arbitrium* had been restated in France by Bossuet again in the seventeenth century. I've forgotten the title of the book, but at any rate it was generally known, this issue.

Student: Towards the end of this letter when he says God could determine the will of an individual but ordinarily he allows men the freedom of acting or not acting, and that phrase "acting or not acting" gets repeated several times, and it sounds like—

LS: In which paragraph?

Same Student: Towards the end where he says, don't believe however that I wish to limit the science of God.

LS: That is in the middle, isn't it?

Same Student: Yes, I suppose. That seems to recall Locke's discussion of freedom of the will as being not the freedom to determine the choice as much as it is suspend the final determination, so that—

LS: Yes, how is that Lockean thesis? Can you—man is free to act or not to act, but he is not free to will or not to will. That's the Hobbean form which Locke took over.

Same Student: Yes, when he does act he acts according to a certain necessity, but that necessity may be suspended.

LS: No, it cannot be suspended. It can be replaced by another necessity. For example, say some undesirable individual is compelled to get drunk. And then suddenly there appears the image of a policeman and of a jail. And then this image which was produced by necessity, although you do not know the mechanism, this counteracts the urge to get drunk. That's the Hobbean view, and that's also fundamentally the Lockean view. In other words, man is free to choose, is free to act or not to act, but he is not free to will. Will, voluntary action means that you do what you like to do. This liking is a composite

of many motives, the resultant of many motives. Yes, that is very true, that he speaks of the faculty to act and not to act, and of the faculty of willing and not willing. Is that what you mean?

Same Student: Yes.

LS: That is quite true. At any rate, this is already a kind of concession to the traditional view, this paragraph. After having denied omniscience, he says God could be omniscient if he wanted. But he doesn't want it, otherwise there could be no human merits and demerits. In other words, God would be unjust. And therefore, although he could know, i.e., determine, he does not know, i.e., he does not determine. That is the argument here. Now this is one of the more interesting letters, as you see. It was preceded by a trivial letter and is followed by a rather trivial letter by one of his wives, Zelis. And the point is that she tells him a story of a friend, Soliman, a man of course, whose daughter married an abomination called Suphis and who tried to get rid of his bride in a disgusting and unjust manner by denying among other things that he had found her a virgin. We should read the reply of Usbek, letter 71.

Mr Roos: "I pity Soliman all the more so since his misfortune is without remedy, and since his son-in-law has done no more than make use of prerogative and the law."

LS: In other words, this man had acted legally, although disgracefully. Yes.

Mr Roos: "I find that law very harsh to thus expose the honor of a whole family to the fancy of a fool. It can be said as much as one likes that there are certain signs for knowing the truth. This is an old error that we have gotten over among ourselves these days. Our medical doctors give incontrovertible reasons for the uncertainty of proof—"

LS: "of these proofs."

Mr Roos: "Even the Christians look upon such proofs as illusory, though they are clearly established in their sacred books, and even though their ancient law-giver made the innocence or the condemnation of all their young women depend on them."

LS: In other words, he says nothing can be known. What seems to be the loss of virginity can be due to innocent causes. That everyone knows. Now "our doctors" means the Persians here. And even the Christians grant it, although the Christians have much greater difficulties because in Christianity, he says, this is based on the sacred books of Christianity. He implies that there are no sacred books of Islam which would justify it. Good. Now the next paragraph.

Mr Roos: "I learned with satisfaction the care you are taking for the education of your daughter. May God grant that her husband finds her as beautiful and as pure as Fatima—
,,vi

^{vi} *Persian Letters*, LXXI, 152.

LS: And so on. Yes, this paragraph has obviously nothing to do with the preceding letter, but it is a reply to letter 62 where she told him of the education of her daughter. And it is interesting that Usbek did not answer at once when she wrote about the education of the daughter, but he writes at once when he hears the story of Soliman's daughter being so badly treated. If one can answer the question, one should pay some attention to it, why is this so? Is he less interested in the upbringing of his own daughter than in enlightening his wives about the true facts of life? But why should he be interested in that? Is it not better they are unenlightened? Is this not an act of imprudence? I cannot do more than raise this question. I do not have the material for answering it.

Student: It seems in a way though he's just more interested in enlightenment in general, that this problem was presented to him—

LS: But that is the cause of the difficulty. If he is interested in universal enlightenment, what will happen to the harem? Or think, for that matter, what will happen to the caste system in India when the principles of equality, of the Declaration of Independence, become a matter of general knowledge in India? Will this not lead to terrible things there? So you have to be very cautious. Let us assume we know what a just order is, and if you have anywhere an unjust order, then you have to proceed gradually as we know, and not by extremist, radical propaganda which make impossible quiet transitions, calm transitions. But this is not the situation of Usbek. Usbek is very eager to keep his harem, and to keep the whole harem world, the world supporting harems; and therefore he must consider this in writing to his wives.

Student: But only because his honor is involved.

LS: Sure, his interests in the wider sense of the term are involved. And from this point of view he acts, I believe, somewhat imprudently by enlightening his wife. But let us see. The next letter on a universal man is again rather trivial, but not so letter 73, or at least not altogether so. Let us read only the last paragraph of letter 73.

Mr Roos: "These are things we never see in Persia. Our minds are not occupied with such strange and singular establishments. We are always in search of nature in our simple customs and unsophisticated manners."^{vii}

LS: Yes, that was a critique of the French Academy of Letters. So, in other words, we Persians are better. You know, we have seen that there were some conversions to European things which have happened, but not in every respect. The French Academy he regards as something very irrational, and says that the Persians are better off without it. The same applies to the next number, 74. We don't have to read the whole letter. We take the third paragraph, about the second or third sentence: "It would have been necessary Rica that we had a very bad *naturel* [innate character] in order to commit these hundred insults to people who came every day to us in order to express to us their benevolence." Go on.

^{vii} *Persian Letters*, LXXIII, 154.

Mr Roos: “They knew perfectly well that we were above them, and if they had been unaware of it, our courtesies would have disclosed as much to them every day. Having no need to assure ourselves of being respected, we did all we could to make ourselves liked. We were accessible to the lowliest ; and although we lived in grandeur, that tends to harden a man, they found us sensitive. They saw only our hearts above them; we descended to their needs. But when we had to support the majesty of the prince in public ceremony, when we had to make our nation respected by foreigners, when, finally, we had to encourage soldiers in dangerous situations, then we rose a hundred times higher than we had descended. We brought back pride to our countenances and we were sometimes considered to have represented ourselves rather well.”^{viii}

LS: Yes, now this has a rather obvious meaning which has nothing to do with Persia. The French nobility, what it was in the past and what it is now—the great theme later on, on the basis of Montesquieu, of Tocqueville’s *Ancien Regime*, that the feudal aristocracy was a respectable thing as long as it had a function; but then it lost its function by the policy of the French absolutistic kings, and then of course it became something rather ridiculous.

But let us consider for one moment the technical side of such letters. We see here what we must have observed before, a certain ambiguity of the Persians as Persians. First we find on the surface Persians as Persians coming to France and criticizing France, just as Frenchmen coming to Persia would criticize Persia. So here they are real Persians. But then the Persians are also disguised Frenchmen who criticize France. And the letter is in a way the more important because the author himself is after all not a Persian but a Frenchman. That we must keep in mind. We have perhaps not consistently, if at all, considered that before. That’s another complication to be considered for an adequate analysis of this work. I did not consider it because—I thought of it—because it is so elementary. In every essay or book on the *Persian Letters* it is said, of course these are not Persians, for Montesquieu speaks his own view and puts it in the mouth of Persians. That is indeed true. But we have to take more seriously the book itself, the fiction, and therefore we have to take seriously that these are Persians, to begin with. Is this understood?

^{viii} In original: “They knew perfectly well that we were above them, and if they had been unaware of it, our courtesies would have disclosed as much to them every day. Having no need to assure ourselves of being respected, we did all we could to make ourselves liked. We were accessible to the lowliest of them; and although we lived in grandeur, that tends to harden a man, they found us sensitive. They saw only our hearts above them; we descended to their needs. But when we had to support the majesty of the prince in public ceremony, when we had to make our nation respected by foreigners, when, in fine, we had to encourage soldiers in dangerous situations, then we rose a hundred times higher than we had descended. We brought back pride to our countenances and we were sometimes considered to have represented ourselves rather well.” *Persian Letters*, LXXIV, 154–55.

Now let us then turn to the next letter. This deals again with a grave theme, with the Church, the Catholic Church. I think we should read to understand it part of the first two paragraphs.

Mr Roos: “I must confess I have not noticed in Christians that lively conviction of religion which obtains among the Mohammedans. There is much distance with them between professions of faith and belief, between belief and conviction, and between conviction and practice. Religion is less a matter of holiness than an excuse for dispute, open to everyone. Courtiers, warriors, even women rise up against ecclesiastics, and demand that the churchmen prove what they resolve never to believe. It’s not a question of their being determined by reason, nor is it the case of their having taken the trouble to examine the truth or falsehood of the religion they reject. These are rebels who have felt the yoke and shake it off before getting to know it. Thus, they are no more certain of their disbelief than they are of their belief. They exist in an ebb and flow which carries them endlessly from one to the other. One of them told me the other day^{ix}: ‘I believe in the immortality of the soul by interval *par semestre*; my opinions are absolutely dependent on my physical constitution—’”

LS: Yes, by semester, the winter semester

Mr Roos: “Accordingly, as I possess more or less animal spirits, or as my stomach digests well or badly, or as the air I breathe is fine or heavy, as the food I eat is light or solid, I am a Spinozist, a Socinian, a Catholic, a heathen, or a devout man.”^x

LS: Now “heathen” is not a proper translation, *un impie*, “an impious man.” But it is interesting that he distinguishes here a Spinozist from *un impie*, an impious man. That’s interesting. I thought you should consider that.

Student: He also distinguishes a Catholic from a devout man [laughter].

LS: That is also true. That is very true. I did not observe that. Perhaps he means it, but it doesn’t come out here, “*je suis spinosiste, socinien, ou catholique*,” he should have said, and then generalizing it, “*impie ou dévot*.”

Student: Except that at one point when he was talking about Louis XIV, he says he loves his religion but he doesn’t like the people who say you should practice it. I assume he means the Jansenists.

LS: Yes, sure.

Student: The *dévot* comes very close to that customary figure³ [attacked] in this time, the *faux dévot*.

^{ix} In original: “One of them told me one day.”

^x In original: “Accordingly, as I possess more or less animal spirits, or as my stomach digests well or badly, or as the air I breathe is fine or raw, as the food I eat is light or heavy, I am a Spinozist, a Socinian, a Catholic, a heathen, or a devout man.” *Persian Letters*, LXXV, 155.

LS: No, I think I can defend Montesquieu here. He would say, since he has shown the Catholics are not *dévot* simply, do not practice what they preach, a *dévot* would be a man who would preach it. But your remark is nevertheless sound. In the last paragraph of this letter Usbek thanks the omnipotent God. And we know now that when he means omnipotent God he doesn't mean by it what most people understand by it, but has this qualification which he had given before.

Now the next two letters we have spoken of in a general way last time. This is the only exchange between Usbek and Ibben, his friend Ibben, and Ibben we recall was the author of the letter dealing with incest, which we discussed at some length last time. This discussion of suicide was a relatively common thing in the eighteenth century. There is quite a bit of English literature on it, the so-called English deists. I've forgotten now the names. I think, if I'm not mistaken, Shaftesbury started that discussion, but surely it came in the eighteenth century. Let us read only a few of the points which are especially important, the sixth paragraph.

Mr Roos: “‘But,’ you will say, ‘you are disturbing the order of providence—’”

LS: Namely by committing suicide, that is the argument.

Mr Roos: “‘God has united your soul and body, and you are separating them. You are opposing his plan, and you are resisting him.’”

“‘What does all that mean? Am I disturbing the order of providence when I change the modifications of matter, and square a ball which the primal laws of movement—that is to say, the laws of creation and conservation of matter—have made round? Certainly not, for I am only using a right given to me, and in this sense I can disturb all of nature as much as I please without being told that I am obstructing providence.’”

LS: If one were to take this paragraph in isolation, then it would of course contain an implicit denial of providence, that the laws of creation and conservation—that is to say, the laws of mechanics fundamentally—⁴made us understand the modifications of matter, that is everything to be considered. But he goes on in the next paragraph.

Mr Roos: “‘When my soul is separated from my body, will there be less order and less arrangement in the universe? Do you believe that this new combination will be less perfect or less dependent on general laws? Do you think the world has lost something thereby, or that the works of God will be less great or, rather, less immense?’”

LS: Now what does he mean by “this new combination” which happens after man commits suicide?

Student: I think he means the decomposition of the body.

LS: Yes, a new modification of matter, sure. And this is as much a part of the universal order of nature, and this universal order of nature is the order of providence. So you can call it piously the order of providence, but what you mean is in fact the order of nature pure and simple. Yes.

Student: But it might be against God's law to have a violation of this, the change itself—

LS: Still, surely, this man thinks suicide is not a sin. He had given other reasons which didn't—for example, what was the reason he gave first? Yes, non-theological reasons in favor of suicide he had given first. But he gives now theological reasons, or meets the theological objections to suicide. Therefore we have to take it seriously.

Student: But it seems that the argument is very shallow. If I had a table created by a man and then someone came up and smashed it; and he said, well the universe is still the same, I wouldn't be very touched by his argument.

LS: Yes, well, let us first finish the point. Yes.

Student: I was going to ask, why this argument is limited to suicide? Why not extend it to murder? If I can take my own life—

LS: The point is, in the case of suicide there is assumed to be perfect agreement between the murderer and the murdered. In the case of the murder properly so called, it is assumed there was no agreement. Now it sometimes happens, as we read in the daily papers, that someone asks somebody else to shoot him. But this is, of course, not recognized as an excuse on a very sound prudential ground. Anybody could say that if there were no witnesses. And even if there is a letter from the murdered, one doesn't know whether this letter was not written under duress, extracted under false pretenses. So it is better for the human judge to assume that a murder with the agreement of the murdered is as much a murder as a murder without that agreement. Therefore the case of suicide is not identical with that of murder. It may be as sinful, but for different reasons.

Student: It seems that for the rest of men you can't make the identity of the case of suicide and murder —

LS: No, but a suicide as such is a danger one can say only to himself, or was a danger to himself; whereas a murderer is a danger potentially to everybody else.

Student: Yes, but a man has a responsibility.

LS: Yes, the responsibility to God, or do you mean to the country? To the country—that he discussed briefly. He doesn't develop it, but he would grant that he should have fulfilled his obligations. If he has debts to pay, he ought to pay them, and this kind of things, back taxes, and so on. So the grave problem is the responsibility toward God, which is here the problem, more immediately than in the case of murder. You see what happened today: suicide is in fact no longer punished. I do not know whether it is still on

the statute books as a criminal offense. It may be but I think nothing is done. I've never heard. Or is it?

Student: Attempted suicide is still punishable in some places, but I think in practice never because it is assumed that it is a consequence of some disorder of the mind.

LS: Yes, but the feeling of most people is that it is not crime; whereas murder is still regarded as a crime, well to some extent it least although most people would say it is also some derangement. Who was the man—Samuel Butler in his book *Erewhon* where they have this principle that diseases, illnesses are regarded as punishable offenses and crimes are regarded as diseases. This is characteristic of that new society there. Something, not quite, but something in this direction seems to have taken place. Yes, now let us read the last paragraph of this letter 76.

Mr Roos: “All these ideas, my dear Ibben, have no other source than our pride. We do not feel our insignificance, and come what may we want to be of value in the universe, to figure in it, to be an important object in it. We imagine that the destruction of a being as perfect as ourselves would debase the whole of nature, and we cannot conceive that one man more, or one man less, in this world—what am I saying—that all of mankind together, a hundred million earths like our own, are but a thin and tenuous atom, which God perceives only because of the vastness of his knowledge.”^{xi}

LS: Which contradicts a bit what was said previously about omniscience. But since he wrote this to a different addressee, we cannot assume it. Now only one point: suicide has been regarded as a sin because a great importance has been attached to men. The human individual is altogether insignificant, and even the human race—we know this from present-day positivism. We attach to human beings a great value because we happen to be human beings. But that is not an objective judgment; that is merely a projection. Yes.

Student: Well, to get back to what we were discussing before, I think the implication of that is, isn't it, that murder becomes in no sense an important crime by nature. It may be a crime by nature, but if it is, it is a sort of insignificant one and only becomes important because other people who don't want to be murdered set up laws on the subject.

LS: But they can do something about it.

Same Student: Oh yes, but it's not as if there were any natural sanction against murder.

LS: And especially no divine punishment, that's the point. You are quite right, that is implied in that. If the human race is so insignificant and if the human individuals are so insignificant, one cannot see why a perfectly wise being, assumed here, should pay such great attention to what happens to these insects, whether one kills the other or not. That is quite true. But of course—well, let us take the simpler case of Hobbes. What would Hobbes say?

^{xi} *Persian Letters*, LXXVI, 157–58.

Student: The desire for self-preservation provides—

LS: The desire for self-preservation would induce the mass of men to make murder an impractical proposition; thus they punish it.

Student: From the viewpoint of a Persian, however, of a sultan, the considerations that would be relevant to the mass of men aren't relevant to him. And because he himself is used to ordering people to be killed, as we have seen in various points in these letters, possibly this interpretation of murder as inconsequential to providence is quite consistent with the Persians, and possibly Montesquieu may or may not—

LS: Well, this one can say generally. If you have slaves, the killing of slaves as a habitual practice makes the slave population very intractable. So it is at least prudent to keep up some appearance of justice even in killing one's slaves, if the killing of slaves is altogether left to the master, which in a wise government would not be the case, where this too would be an act of public authority. Yes.

Mr. Bruell: Another point, this last paragraph seems to be at least an equal challenge to revealed theology as the letter 69 that we considered before, because every God that is recognized by the revealed religions has attached a great importance to man.

LS: Yes, sure, that goes without saying. And one can even say the same is true even of Greek pagan religion, that somehow man is given a higher status than he otherwise would have. Let me see, there is a passage in Xenophon's *Apology of Socrates*, which I do not at this moment recollect precisely. If man is, so to speak, or some men, can be the favorites of gods, let us take it in pagan language, in a way in which dogs, foxes, and horses are not the favorites of gods, then the religion in any sense raises the status of man. One can say that.

Student: But he bases everything on our pride as what has led us astray in this case. It seems in a way that that's almost—that would seem to make it a consequence of Christianity as opposed to something—

LS: Not necessarily, the same would be true of at least every revealed religion. This argument has been repeated millions of times since up to the present day. Thomas Mann has written an essay somewhere about the three great liberations: Copernicus, Darwin, and Freud. And in each case there is a severe blow to human pride: the earth is not the center of the universe; man is descended from such a nauseating beast; and we are controlled by urges of which no self-respecting man would ever speak in decent society. In a way that is of course true, that the whole tendency, conscious or unconscious, of modern science was to reduce the higher to the lower.

But if we take the argument, only human pride is responsible for it, what can one say to that? It is an old story . . . in olden times said if the cats and dogs had gods they would look like cats and look like dogs. Well the answer I think is very simple, the cats and dogs don't have gods; and in order to have a foolish pride one must already be a human

being. So what is a proof of man's folly in fact confirms man's dignity, which includes of course the misuse of that dignity. Yes.

Same Student: There seem to be two aspects of pride: vanity, but also pride in so far as it leads man to have higher aspirations. And it seems that science has helped to destroy both aspirations, one more than the other even. It has left man with his vanity without his ideals. When he's talking about his pride there, pride is a proper thing to man.

LS: Well that is hard to say, especially now the term pride is frequently used in this positive sense; but he means⁵ [here] in a negative sense. We do not feel our littleness; and of course pride consists in not feeling one's defects. Pride consists in ignorance. That is surely the wrong kind of pride.

Student: But at the same time this is quite traditional too, Stoic and all that.

LS: What?

Same Student: The smallness of man.

LS: Of the individual, of the individual, but not of the human race.

Same Student: What about the dream of Scipio,^{xii} where all the world, at least all of Rome, looks small compared with the glory of—

LS: Yes, but human beings like Scipio and other thinking men rise to the highest level and become in a way divinized, and only human beings. That I think is the simple reduction of man to a brute with some funny speciality either in the brain or elsewhere—that I think is the modern view, not the old view. Even in the Epicurean doctrine, man is not simply reduced to the brutes, although I admit in the Epicurean doctrine it is not very clear, there is no emphasis on it, but it is somehow taken for granted that there would never be a world in their sense—you know, they have infinitely many worlds—there could never be a world without human beings. Whereas for our modern view, the world remains the world whether the human beings exist or do not exist. Therefore, the status of man was higher even in the materialistic doctrines of antiquity than in the views now prevailing, and presented as the views of science.

Student: Well we'll get to that later letter where he equates desire for fame and self-preservation—

LS: Yes, we will come to that; that is very important. But that has nothing to do with this, because the desire for fame can still be important so that man lives more happily and in a way better, and yet can have no “cosmic” significance.

Student: Well, true, but it is the noblest manifestation of pride.

^{xii} Scipio's dream is composed by [Cicero](#) in [De re publica](#), Book VI, 9.

LS: All right, but what is all human nobility objectively looked at not from a specific anthropomorphic and anthropocentric point of view?

Student: It seems that at the same time that he removes man from his higher position of a closer relation to God, or some sort of individual contact with God, at the same time it sort of gives man a license, since he is so far removed that his actions are no longer important. There's just a touch of this, when he says, do you believe that my body having turned into an ear of grain, a worm, a piece of turf, would have turned into a work less worthy of nature, and also the reference to atoms, where several times he uses the analogy of man to a small atom very far separated from any concerns with the gods.

LS: Yes, therefore he is compelled to find a new basis for natural right different from the traditional one where it was inseparable from the view that man is a distinguished, a privileged, being. Self-preservation is of course common to men and brutes—everyone knew that—but man is the only beast which can draw inferences from the desire for self-preservation, find out what its requirements are, and the brutes can't do it. And therefore there is a natural right in the case of man, and no natural right in the case of the brutes. It's as simple as that.

Same Student: My only point was that if man has only a relation to secondary causes, efficient causes of materiality, he no longer has a responsibility to—

LS: Yes, that is clear a long time ago, although it always bears mention. But let us reread now the last letter of Ibben, which is very short, 77.

Mr Roos: "My dear Usbek, it seems to me that for a true Mohammedan misfortunes are not so much punishments as warnings. Those days that bring us to expiate our offenses are indeed precious. It is the prosperous times that we must cut short. What is the function of all our impatience if not to show that we should really like to be happy independently of him who grants felicity, because he is felicity itself?"

LS: Now what does this mean in less reserved language? This reads like a strictly orthodox statement. A true Muslim, he says. Suicide is an act of rebellion, is an act of impatience. But on the other hand an act of impatience is not a terribly sinful thing. We know so many acts of impatience which are barely blameworthy, let alone sinful. So that is ambiguous. And now the second paragraph which we read last time, which is wholly conditional:

Mr Roos: "If a being is made up of two beings, and if the necessity of preserving this union is better proof of submission to the commands of the Creator, a religious law could have been made therefrom. If the necessity of preserving this union constitutes a better guarantee of men's actions, then a civil law could have been made."^{xiii}

^{xiii} *Persian Letters*, LXXVII, 158.

LS: So these are conditional clauses, one could do it this way, one could do it that way. He doesn't decide it. But it is surely not an unqualified defense of the prohibition against suicide. Yes.

Mr. Bruell: What does he mean in the first paragraph by the reference to happiness independent of God?

LS: Where?

Mr. Bruell: "All this impatience just shows that we would want to be happy independent of—"

LS: Assumed is that there is happiness in paradise after life. The man who commits suicide has a desire to escape from misery negatively. Positively stated, he has a desire for happiness. And since he knows that after death there cannot be the happiness of this life anymore, he thinks of course of the happiness of the other life. But by transgressing the divine prohibition against suicide, he wishes to be happy independently of Him, of God, who gives these happinesses, because He is happiness itself. Is this clear?

Now I think lest we lose, and there are quite a few things, both trivial and non-trivial in it, for example there is a nice story of a mustache. Do you remember that story in letter 78? For the fun of it we might read it.

Mr Roos: "As for the mustache, it is to be respected for itself, independently of any consequences, although frequently it produces great benefits for the service of the prince and the honor of the nation, as a famous Portuguese general made clear in the Indies. Finding himself in need of money, he cut off part of his mustache and sent a command for twenty thousand pistoles from the inhabitants of Goa on this collateral. First, the money was lent to him, and then he took back his mustache with honor."^{xiv}

LS: And that is about Spain, and later on he says, "Their only book which is good is that which makes [us] see the *ridicule* [absurdity] of all the others," *Don Quixote*, of course. Now let me see. We have to consider letter 80 because that is emphatically political science and we wouldn't miss this for the world. The first three paragraphs we will read.

Mr Roos: "Usbek to Rhedi at Venice:

"Since I have been in Europe, my dear Rhedi, I have seen many governments. It is not like Asia where the rules of politics are always the same.

^{xiv} In original: "As to the mustache, it is to be respected for itself, independently of any consequences, although frequently it produces great benefits for the service of the prince and the honor of the nation, as a famous Portuguese general made clear in the Indies. Finding himself in need of money, he cut off part of his mustache and on this forfeit sent a demand for twenty thousand pistoles from the inhabitants of Goa. First, the money was lent to him, and then he took back his mustache with honor." *Persian Letters*, LXXVIII, 159.

“I have often sought to find out which system of government is most in conformity with human reason—”

LS: With reason, “human” is an addition of the translator.

Mr Roos: “It seemed to me that the most perfect is that government which sets things done with the least expense—”

LS: That could have been written by many present-day behavioral social scientists.

Mr Roos: “—and that therefore the government that leads men in a manner most appropriate to their leanings and inclinations is the most perfect.”^{xv}

LS: How did he translate the first word, before “inclinations?”

Mr Roos: “leanings”

LS: “leanings,” yes.

Mr Roos: “If under a gentle government the nation is as submissive as under a strict government, then the first is preferable, since it is more in conformity with reason whereas severity is a motive foreign to reason.”^{xvi}

LS: Yes, that is all we need. The most rational government is defined, of course, without any reference to the ends of government. The ends are somehow taken for granted. And the characteristic thing is mildness, gentleness, *douceur*. I think we have said already too much about that when we discussed the *Spirit of Laws*.

Student: The best government is the easiest government?

LS: Yes, but he is of course sensible; he says, if the people obey. If they don’t, then severities are in order. But if you have the choice, gentleness as gentleness is sufficient and there is no question of any—the leanings and the inclinations of the people. Inclination doesn’t have here the strict meaning of natural inclinations, but just what people are inclined toward. It’s very modern. We must not overlook that by any means. In letter 82 there is a remark—we could perhaps read the first paragraph.

Mr Roos: “Although Frenchmen talk a lot, there is among them nonetheless a group of silent dervishes called ‘Carthusians.’ It is said that they cut their tongues upon entering the monastery. One might wish strongly that all the other dervishes would cut off in a like manner anything their calling renders useless.”^{xvii}

^{xv} In original: “It seemed to me that the most perfect is that government which sets things done with the least expense and that therefore the government that leads men in the manner most appropriate to their leanings and inclinations is the most perfect.”

^{xvi} *Persian Letters*, LXXX, 162.

^{xvii} *Persian Letters*, LXXXII, 164.

LS: It is obvious what he means by that, but it is of some importance for the book as a whole: Christian clergy and monks ought to be literally eunuchs. That would make the situation clear, that in connection with the eunuch problem which goes through the whole book.

Student: I had a Dominican priest, a friend of mine, and he argued against that. He said that religion depends upon mysticism ultimately, and that you only get that by a conflict.

LS: You must not take a symbolism, a comical or ironical symbolism of Montesquieu too literally. Letter 83 to which Mr. M. referred is very important because it is devoted to justice again. I think we have to consider that. Let us begin at the beginning.

Mr Roos: “If there is a God, my dear Rhedi, of necessity he must be just; for if he were not, he would be the most evil and imperfect of all beings.”

LS: Note the conditional clause. Yes.

Mr Roos: “Justice is a true relationship of appropriateness which exists between two things, and this relationship is always the same no matter by whom considered, whether it be God, or angel, or finally, a man. It is true that—”

LS: Justice is the same for God and for man. The implication of all this is that justice is more important than belief in God. Yes.

Student: Does he mean when he says the relation is always the same—he doesn’t mean that God should have the same relationship to an angel, or that God should have the same relationship to a man?

LS: No, you must generalize, let us say superior—inferior. If there are specific rules of justice for the relations between the superior to the inferior, they would be exactly the same for God. That is the point. That is crucial. Divine justice ceases to be understood in analogy, analogously, but must be understood literally. That is the key point. And that is underlined, and really reaches its culmination in Kant’s philosophy—what is known primarily is the moral law, and on the basis of it, and only on the basis of it, is there an inkling of God; and if it were the other way around, then God’s actions, however arbitrary, would, as it were, stain our notions of justice. We must start from justice, from morality.

Student: Isn’t this an example of that pride he was talking about a couple letters back, because here’s a case of taking what man sees and then ascribing that with a cosmic significance that even God couldn’t—

LS: That argument is different. Here he argues on the basis of the theistic premise. You say he did that at the same time there, but still, is it not true, granting that man is utterly—and the human race, the human species—is like nothing in the eyes of God? Yet, in fact,

according to revealed religion, God demands a certain kind of conduct from man. He has also to argue on that basis, doesn't he?

Student: If, given revealed religion—

LS: Natural religion even. It is no accident, I believe, that he begins with a conditional clause. He argues here against Now go on, next paragraph.

Mr Roos: "It is true that men do not always see with relationships. Often even, when they do see them, they draw away from them. Their own profit is always what they see most clearly. Justice raises her voice, but she has trouble being heard amid the tumult.^{xviii}"

LS: So here he speaks of the conflict between justice and man's interests. He had not spoken of this conflict on the letters on justice, namely numbers 11 to 14, the Troglodytes, where it was shown that justice is identical with the self-interest of man, I mean at least a somewhat far-seeing one. But here he speaks only of this conflict. That is interesting. Now go on.

Mr Roos: "Men are capable of doing injustice because it is to their own interest to do so, and because they prefer their own satisfaction to that of others. It is always by reference to themselves that they act. No man is evil gratuitously. There must be some determining reason; that reason is always a selfish one."

LS: Literally, "a reason of interest."

Mr Roos: "But it is not possible that God should ever do anything unjust. By the very fact that we can suppose he sees justice, he must necessarily follow it, for since he needs nothing and is sufficient unto himself, he would otherwise be the most wicked of all beings, for he would be so with no incentive."

LS: So the conclusion is drawn that in man there is a conflict of injustice and interest; That this conflict is in principle inevitable, although it can be solved properly. In God there cannot be such a conflict because of his self-sufficiency, no needs, and therefore God can be unqualifiably just and must be understood as such. Here it seems he argues simply as a natural theologian. Go on.

Mr Roos: "Thus, even were there to be no God, we should always want justice—that is to say, do our best to resemble that being of whom we have such a beautiful idea, who, if he were to exist, would be of necessity just.^{xix} Free though we might be from the yoke of religion, we ought never to be free from that of equity."

^{xviii} In original: "Their own profit is always what they see most clearly. Justice raises her voice, but she has trouble being heard amid the tumult of the passions."

^{xix} In original: "Thus, even were there to be no God, we should always love justice—that is to say, do our best to resemble that being of whom we have such a beautiful idea, who, if he were to exist, would be of necessity just."

LS: He returns again to the conditional clauses. The formula would remind many people of the passage in Hugo Grotius, *On the Right of War and Peace*, prolegomena. “Even if, which can only impiously be said, there were no God, this natural law would still be valid.” This has often been quoted, and quite a few people have said that this is the beginning of modern natural law. But the main point which I would like to emphasize—equity, let us say justice, morality, is more important than religion. The only thing of absolute worth, if we exaggerate a bit, is morality, justice.

Student: That paragraph that we just read doesn’t seem to follow from what he just said before, because what he had just said before was that in man there is a conflict between the notions of justice which we see, and our interests. And so sometimes presumably man follows his interest, other times he follows justice. And then he says, so even if there isn’t any God, we should always love justice, i.e., sacrifice our own interests, but he doesn’t really give any sufficient reason for that.

LS: Perhaps the reason is implied in—well if we disregard the Troglodyte argument entirely, the reason is implied in the two preceding paragraphs.

Student: That we should try to be as self-sufficient as possible for reasons of our pride.

LS: Not pride—well, one can even show this on utilitarian grounds, but I think what he has spoken about before in the preceding paragraph is God, and even if he doesn’t exist, the idea of God is a beautiful idea, *une si belle idée*, and let us say the possibility of God, if you want to put it this way, which has ended, is the mediation. This solves your question in favor of justice. Surely therefore since this is not sufficient, we have to consider also the Troglodyte letters, and to put two and two together.

Mr. Bruell: What is the literal translation of the first line of the second paragraph?

LS: “Justice is a relation of convenience which finds itself really between two things.”

Mr. Bruell: Isn’t that to say that justice equals interest in some cases?

LS: No. Well, we all distinguish and know from childhood a difference between interest and justice. It may be a man’s interest that a rich grandfather dies, and it is unjust to wish it. That I think can be understood by a very mean capacity. So we know this distinction.

And here he speaks only of justice, and gives a kind of novel definition. We have seen that—reminds of the division of laws, of course. Laws are relations. To take a very simple example, take such a beautiful rule of justice like first come, first serve. There are two things—coming and serving—and the relation is first come, first serve. That is a relation of justice, and everyone who thinks about it must admit that, as a rule of thumb, it is the best you can do. Everyone can think at once of qualifications—one may be a pregnant woman or a very decrepit old man, and then it goes without saying that if feasible, other things being equal, first come, first serve. If all are equal in this respect,

then they must be treated as equal. And then the only difference which is relevant here is who came first. It is a beautiful rule of justice. You can also take others. Relations of crimes and punishments, or whatever you have. Or of work and wages.

Mr. Bruell: But the common ground of all those definitions seems to be their generality, and perhaps that is what convenience means here.

LS: No, perhaps “convenience here misled you, what would be a good English word for that?”

Student: Fittingness.

LS: Yes, fittingness. It gives a beautiful melody, as it were. It pleases the eye. That is meant, fittingness, yes; it has nothing to do with expediency.

Student: Is that the sanction in the “we should”—we should always love justice.

LS: That is not discussed here. That is why we have to turn to the letters of the Troglodytes. There the alternative is given, the motive of course to the acceptance of justice is the war of everybody against everybody, which only a fool could want. That is the incentive, the motive. But here justice is presented as an idea, and⁶ the question of the motivation, of the incentive, is not answered. I see what a good term paper that would be, to analyze letters 11-14 and compare them with number 83, and see what each contains and fails to contain, and how they might be put together.

Student: In the paragraphs immediately following, he gives reasons why—

LS: Why don’t we read that?

Mr Roos: “That, which has made me think that justice is eternal and not dependent upon the conventions of men. If it should so depend, this would be a horrible fruit that we should have to hide from ourselves.”^{xx}

LS: He considers for a moment this possibility, that this might not be true, that justice as it were written in the stars with golden letters and this is not so. But if it were so, unfortunately it would be so terrible that one would nevertheless have to teach⁷ [a] kind of Platonic teaching of justice. Now how does he go on?

Mr Roos: “We are surrounded by men stronger than ourselves. They can harm us in many different ways, and three-fourths of the time can get away with it unpunished. What a relief to know that in the hearts of all these men there exists an interior principle that fights in our favor and protects us from their machinations!”

^{xx} “That, Rhedi, is what made me think that justice is eternal and not dependent upon the conventions of men. If it should so depend, this would be a horrible truth that we should have to hide from ourselves.”

“Without —”^{xxi}

LS: In other words, there is an alternative to this crude Platonism as I might call it, and that is the belief that every human being possesses a conscience, an incentive towards justice in himself.

Student: There is also⁸ [the] possibility that by Montesquieu’s saying in this paragraph that there is a justice that he himself is exercising a crude Platonism—

LS: Yes, sure and there is no doubt about that, and I think he would agree with Hobbes and Locke regarding the conscience—how did Locke put it? Look only at the cities being sacked by a victorious army, and you see what power conscience has? You remember in the beginning of, the second or third chapter of the *Essay Concerning Human Understanding*. No, I have no doubt that this is so, but it is a different way of putting it. But the “knowledge” that everyone has a conscience is also useful. Now if this is unfortunately not true, then he must look out for other incentives, and we find some intimation of the other incentives exactly in the letters on the Troglodytes, where a calculating view of justice is presented, that the alternative would be misery.

Let us read—no, I’m sorry, I have now to leave, we will go on at this point next time.

¹ Moved “not.”

² Deleted “or.”

³ Deleted “attacking.”

⁴ Deleted “which.”

⁵ Deleted “hen.”

⁶ Deleted “where.”

⁷ Deleted “the.”

⁸ Deleted “a.”

^{xxi} *Persian Letters*, LXXXIII, 165–66.

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LS: Let us turn then to number 85 which is again directed to Mirza, who was the addressee of the letters to the Troglodytes. Now where shall we begin? I think we will begin at the beginning.

Mr Roos: “You know, Mirza, that some of Shah Suleiman’s ministers had formed a plan of forcing all our medians in Persia to leave the realm or become Mohammedans, with the idea in mind that our empire would always be polluted as long as it kept the heathens in our midst.”

LS: Skip the next two paragraphs.

Mr Roos: “The persecutions made by our zealous Mohammedans at the expense of the Gabors forced the latter to migrate en masse—”

LS: No, the paragraph before: “In prescribing the Armenians—”

Mr Roos: “By prescribing the Armenians, they were within an ace of destroying, in a single day, all the businessmen and almost all the artisans of the realm. I am sure that the great shah Abbas would rather have had both arms cut off than assign such an order, and that he would have considered sending his most industrious subjects to the mogul and other kings of the Indies tantamount to giving them half of the states.”ⁱ

LS: He obviously means some happenings in Europe, Edict of Nantes, the expulsion of the Huguenots, and the expulsion of the Jews from Spain, things to which he refers in the *Persian Letters*. Yes?

Mr Roos: “The persecutions made by our zealous Mohammedans at the expense of the Ghebers forced the latter to migrate en masse to the Indies, and thus deprived Persia of that people so diligent in husbandry that, by itself, it was in a position to conquer the sterility of the soil.

“There remained only the second attempt for religious devotion to fall back on: that is, to destroy industry, in consequence of which the empire would have fallen apart of its own accord, and along with it, of necessity, the very religion that the zealots wanted to make so flourishing.”

ⁱ In original: “By prescribing the Armenians, they were within an ace of destroying, in one single day, all the businessmen and almost all the artisans of the realm. I am sure that the great shah Abbas would rather have had both arms cut off than assign such an order, and that he would have considered sending his most industrious subjects to the mogul and other kings of the Indies tantamount to giving them half of his states.”

LS: So, in other words, a politically wrong and injudicious measure would be disastrous for the religion in the name of which this measure was considered. I think I mentioned last time that Montesquieu tries to supply here the basis why criticism of religion with a view to disastrous political or social consequences is relevant as a criticism of the religion, because one could say this is not the purpose of religion to make men happy in this world, and therefore it is not relevant. He tries to provide it here. Whether that is a good argument which must be recognized by a first-rate theologian is another matter, because he might very well say that the gates of hell cannot do anything against the church, and therefore no judicious or injudicious political method. But for ordinary people who do not think very deeply, this is good enough.

Mr Roos: “If I must reason straightforwardly, Mirza, I’m not sure that it wouldn’t be a good thing for a state to have several religions.”

LS: We do not have to read everything; this is a long statement—skip about five paragraphs. “I confess that the histories are filled with—”

Mr Roos: “I confess that history books are filled with wars of religion, but let us pay closer attention: it is certainly not the multiplicity of religion that produce such wars, it is, rather, the spirit of intolerance which animated the ones that believed themselves in the majority.”ⁱⁱ

LS: So what is the argument behind it? We would say let us have one religion in order not to have conflict between the various religions, and then this is the reply to that: it is not the multiplicity of religions but the intolerance of the religions which causes the conflict and the religious wars.

Mr Roos: “It is the spirit of proselytization which the Jews have caught from the Egyptians and which has passed from them like a common epidemic to the Mohammedans and to the Christians.”ⁱⁱⁱ

LS: So, in other words, the pagans—classical antiquity was free from that spirit. That’s a story frequently repeated in the 18th century, and in a way of course true. But the author of this statement says that it is of course of Jewish origin, I mean the prohibition against idolatry and the worship of the other gods; and here it is traced, and I do not know for what reason, to the Egyptians. They didn’t know anything of these things we know today about Amenhotep and so on,¹ the religious reforms in Egypt which people say [he] wrote. Or do you have a reason for that?

Student: Was there any notion of the Egyptians being monotheistic?

ⁱⁱ In original: “I admit that history books are filled with wars of religion, but let us pay closer attention: it is certainly not the multiplicity of religion that produce such wars, it is, rather, the spirit of intolerance which animated the one that believed itself in the majority.”

ⁱⁱⁱ *Persian Letters*, LXXXV, 167–69.

LS: No, that is a rather recent—the most famous statement about the Egyptians in Herodotus was that they were excessively pious. But that meant that they worshipped everything, every beast which they ran across, so to speak, and this would of course mean that they would accept any god worshipped anywhere. I don't know what the basis of that is, but it is not very important.

So this is a point which we have also seen in the *Spirit of Laws*. The most desirable solution would be the one having a multiplicity of sects which cancelled each other out, and the government is independent of them. If there is one sect² [embracing] the large majority of the population, then the government will be under the spell of that sect, but otherwise it can balance them out against each other.

Now let us turn to number 88—perhaps you read the first paragraph.

Mr Roos: “Liberty and equality reign in Paris.”

LS: Is it not strange, that, in 1728 or thereabouts? How much the words have changed³ [in] meaning.

Mr Roos: “Birth, reputation, even military glory, however brilliant they may be, will not save a man from the crowd in which he is lost. Jealousy over rank is not known here.^{iv} It is said that the first man of Paris is the one with the best horses for his carriage.”

LS: So there is inequality there of course. But we will see what that means. Let us read the paragraph after the next.

Mr Roos: “In Persia the only great men are those to whom the monarch grants some part in the government. Here there are people who are great by birth, but who enjoy no reputation from it. Kings operate as do those skillful artisans who always use the simplest machines to complete their work.”^v

LS: Now what does this mean? The two other paragraphs would confirm that and we don't have to read that. What does equality mean here?

Student: France is something of a despotism, or becoming a despotism.

LS: So inequality is accidental so to speak, and is entirely on the whim of the king. This is a criticism of— . . . then the nobility has lost its power. I referred last time to⁴ Tocqueville who is a pupil of Montesquieu in a way, and what he says in his book on the ancient regime on the decay of the nobility which has lost its function, governmental functions, which were taken over by the *commis*, agents, from the *roturiers*, lower class, raised by the absolute king, and they still retained their rank. This will come out later. I

^{iv} In original: “Birth, reputation, even military glory, however brilliant they may be, will not save a man from the crowd in which he is lost. Jealousy over rank is unknown here.”

^v *Persian Letters*, LXXXVIII, 172–73.

mention this because it shows this theme is one of the themes which goes through Montesquieu's work from the *Persian Letters* on to the *Spirit of the Laws*.

Now number 89 must be of special importance for us for reasons which you see at once. Let us first read the first paragraph.

Mr Roos: "The desire for fame is no different from the instinct for self-preservation possessed by all creatures. It would appear that we enhance our being when we carry it into the memory of others. It is like a new life acquired by us, one which becomes as precious as that which we received from heaven."

LS: Some comments on this paragraph are in order. The crucial importance of self-preservation we know, but what about the desire for glory?

Mr. Bruell: It is sometimes even in conflict with self-preservation.

LS: That is even the way in which it presents itself in Hobbes; these are two incompatible things.

Mr. Bruell: Wasn't there some of that in the *Spirit of the Laws*?

LS: Yes. But surely in the so to say classic presentation in Hobbes it is so. Fear of death—that is a healthy thing—makes men reasonable, and the desire for glory, i.e., *gloria sive bene opinari de se ipso* [as Hobbes says], glory or thinking well about oneself. And that means all men like to think well about themselves, but they know quite well how⁵ [unjustified] that good thinking about themselves is, and so they need support by others, if they can induce others to think well about themselves, they believe it or are more likely to believe it than otherwise. And therefore this desire to think well about oneself turns into this desire of being recognized as superior by others. That is the thing which blinds man and leads to injustice. That is roughly the Hobbean presentation.

The relation between the two things is very obscure in Hobbes, between self-preservation and glory. I don't recall a single passage in which Hobbes has made it clear, and I have studied Hobbes quite a bit in former years but it took me a very long time before I saw this simple relation, the reason being that Hobbes has not stated it; one has to figure it out. It is roughly this. We desire self-preservation and therefore we are in need of means of self-preservation, and the means of self-preservation are called, with a comprehensive name, power. Therefore, we all strive for power. Power here means anything; it means also for example a stick or a gun or a banking account, whatever it is, whatever enables us to preserve us. And man is then distinguished from all other animals by the fact that he is the only being in which the desire for self-preservation turns into a desire for power. The brutes are simply not bright enough to think about the future. Man is a beast which is hungry from future hunger. In other words, we think not only of the coming winter as quite a few animals do instinctively, but we think of winter two years from now, if we are sensible men, and plan accordingly. So the desire for self-preservation turns into the desire for power.

And now one form of power is other human beings who are willing to help us, because they love us, because they admire us, they fear us, but that doesn't make any difference provided they help us. And so to be recognized by others as superior, that is also power. Glory is a form of power. But here it may turn into its opposite. People may as it were forget the reasonable function of glory and may become enamored of glory for its own sake. This is when it becomes of course mere sham, you know when its rational purpose is forgotten. This takes place apparently with an inner necessity, and therefore we have reached then, arrived eventually, at the antagonism of irrational glory and rational fear and also the rational drive for power, which is a subdivision of rational fear or self-preservation.

Now as for Montesquieu's remark here, that the desire for glory is not very different from that instinct which all creatures have for their conservation, in other words where nothing is said about any complicated relation between the two. Does this remind any one of you of something?

Student: When any striving for fame is spoken of, in the classical tradition, as striving for immortality, to be like a god, a sort of second life that continues—

LS: Yes, but still more specifically.

Another Student: Plato's *Symposium*.

LS: Plato's *Symposium*. Diotima's speech. And the fundamental desire of all beings is to have the good always. I mean we all want to be happy. But this is a fraudulent thing. We would like to be happy always, to have good things always. And there are three forms in which men satisfy their desire. The first is procreation, which is a perpetuation of the generating of individuals. And the second highest is glory, immortal glory as they say. This may last much longer because families become extinct. And yet look at Caesar, whose fame survived for many centuries his family, not to say anything of his offspring. But this is still questionable; it depends very much on accident. Caesar might have perished on his journey to Britain and he would have remained one of these civil war generals like many others, not more famous than Pompey, perhaps even less. And the highest, the only genuine thing is knowledge of the eternal truth, where indeed you abandon your individuality, but you participate in something of which you know⁶ will in itself last forever. So a dim reminder of these things we find here in this letter.

Now let us read the sequel in letter 89.

Mr Roos: "But since all men are not equally attached to life, they are also not equally sensitive to fame. This noble passion is certainly always engraved in their hearts, but education and imagination modify it in a thousand ways."

LS: You should translate that not by fame but by glory.

Mr Roos: “This difference seen among individuals is even more clearly felt among nations.”^{vi}

“It can be established as a maxim that in each state the desire for fame increases with the freedom of subjects, and diminishes when freedom diminishes. Fame is never a companion of servitude.”

LS: Yes, and let us skip the next two paragraphs.

Mr Roos: “The difference between French troops and yours is that in one case—”

LS: That’s what a Frenchman said to him.

Mr Roos: “—they are made up of naturally cowardly slaves capable of rising above the fear of death only by the fear of punishment, which produces a new sort of terror in the soul and as it were, stupefies it; whereas, in our case, in the French case, they offer themselves to every onslaught with delight and banish fear by means of a self-satisfaction superior to fear.”^{vii}

LS: By satisfaction. Yes.

Mr Roos: “But the veritable sanctuary of honor, reputation, and virtue seems to be established in republics and in countries where the word ‘fatherland’ can be pronounced. In Rome, Athens and Sparta honor alone rewarded the most notable services. A crown of oak or laurel, a statue, an encomium, were vast recompenses for a battle won or a city taken.”^{viii}

LS: This I think is all familiar to you from the *Spirit of Laws*. This desire for glory, this ennobling desire, has its home above all in republics. It is connected with liberty. Where there is no freedom, where there is complete absence of freedom, there cannot be honor. And where there is a defective kind of freedom as in monarchies, it will also be defective.

Student: In the *Spirit of the Laws* honor was the principle of monarchies.

LS: We come to that, but here honor is synonymously used with glory.

Student: The very last point we were talking about—perhaps not the very last one—was suicide, in the second paragraph here, I took this first to mean that he might be speaking about somebody like the stoics. They are less attached to life, and therefore are less

^{vi} In original: “This difference found among individuals is even more clearly felt among nations.”

^{vii} In original: “The difference between French troops and yours is that in one case they are made up of naturally cowardly slaves capable of rising above the fear of death only by the fear of punishment, which produces a new sort of terror in the soul and as it were, stupefies it; whereas, in our case, they offer themselves to every onslaught with delight and banish fear by means of a self-satisfaction superior to fear.”

^{viii} *Persian Letters*, LXXXIX, 172–74.

concerned about the vanity of earthly glory. But it apparently also means as far as honor, or glory, as a noble passion of people in tyrannies who are less attached to life don't pursue it?

LS: No, I don't believe you are right in drawing our attention to this sentence. I will only make a slight change in the text, not because I regard the text as defective, [but] in interpreting it: "but since not all men not equally attached to *this* life"—how is that?

Same Student: I don't see the—

LS: It makes sense to speak of this life only if there is another life, and if there is another life, both this life and worldly glory become unimportant. There is a very powerful statement by Machiavelli at the beginning of the second book of the *Discourses* on the difference between pagan and biblical morality. Worldly glory, the glory of the world, that was the secret of the Romans' greatness over against biblical morality of humility.

Same Student: Then imagination and education which modify what is written in our hearts in a thousand ways must be Christian education—

LS: Not only that, because there are n ways of education, and n ways of imagination which can be modified. But it belongs to man's nature; that is what he means. Passion is always engraved in man's heart; in other words, it is natural right, but it becomes infinitely modified by the whims, imagination, and by the education which people undergo.

Mr. Roos: It is strange that in the letter before he was talking about lack of ranking, lack of honor among the Frenchmen, in other words that the only differences in rank were arbitrary, accidental things. But then in this letter he has a Frenchman saying that the French troops are capable of rising above the fear of death, and their desire for honor is very great.

LS: Is it not so that there is a difference between the French and the Persians? That France is, to say the least, less despotic than Persia? So that a Frenchman would very well see the difference and would even emphasize it? Whereas a Persian would perhaps not see it so clearly.

Mr. Bruell: The paragraph which begins, "The difference is between the French troops" and so forth, shows the conflict from the Hobbean point of view between the desire for glory and self-preservation, so would that indicate that this simple statement of the first paragraph is more classical?

LS: In other words, what you mean if I understand you is this. From the point of view of self-preservation, it is better to be a good soldier than a bad soldier. Is this what you mean?

Mr. Bruell: No, I mean that from the point of view of self-preservation, it is better to be a coward but to live, than to be glorious and dead.

LS: No, that he surely doesn't say.

Mr. Bruell: No, he doesn't say that, but he says that the French troops present themselves to blows with delight and banish the fear, the fear which would be the rational fear, from Hobbes.

LS: After all, the point which he makes here is surely against Hobbes. That is clear.

Mr. Bruell: So it is possible that he had something more—

LS: But we will see; this theme will come up again.

Another student: In the second paragraph, can't this be taken in two ways. First sentence, with your modification in mind, those who are not so attached to the ideas of this life as the way, the painful way, to a better life, which is of infinitely greater significance than this wretched life would be indifferent to the idea of acquiring new life in the memory of others, that is, through glory.

LS: But why not stick first to the obvious and literal sense of the sentence? He has derived the desire for glory from the desire for preservation. And then he makes an application of it. Just as the basic thing affects human beings to different degrees and to different manners, the derivative thing isn't the same. That's the question.

Same Student: Are these perhaps then the stoic philosophers?

LS: Well, that is left to you to figure out: you can think of ordinary suicides, or people who do not in fact commit suicide but long for their death because they are hopelessly in pain, most painfully sick, and so on. But that would mean of course people who are not happy with their life and therefore do not esteem life highly. *Mutatis mutandis*, the same would be true of the people who do not particularly care for glory, because they think it would be hopeless in their case to strive for glory. One could do that.

Now we come to letter 90, and there he speaks of the *point d'honneur* which you had anticipated. Let us read the first paragraph.

Mr Roos: "From this general passion of the French nation for fame—"

LS: "For glory."

Mr Roos: "—for glory, there has been formed in the minds of individuals a certain something called 'point of honor'. Properly speaking, it is the character of every profession, but it is more obvious in men of war."

LS: Yes, more pronounced.

Mr Roos: “And theirs is the point of honor par excellence. It would be difficult for me to make you feel what it is, for we have absolutely no idea of it.”

LS: So you see here that glory and honor are so closely akin that there is no need for an explicit transition even. We come now to the point⁷ [of] honor. The next paragraph.

Mr Roos: “In times past, the French; particularly the nobles, followed practically no other point of law except this point of honor. They patterned the conduct of their whole life on these laws, which were so severe that it was impossible, without punishment crueler than death—I do not say to violate them—but even to evade their slightest intention.”

LS: Again another allusion to the decay of the French nobility, of the French feudal order, and this means in other words the transformation of the French monarchy into something approaching oriental despotism. These are all things we know from earlier readings.

Mr Roos: “When it came to settling differences, these laws in effect prescribed only one method of decision. This was the duel, which immediately decided all difficulties.”

LS: Now let us drop the rest of this paragraph and then the next paragraph and then go on.

Mr Roos: “This method of deciding cases was rather badly thought out, for if a man was more skillful or stronger than others, it did not necessarily follow that he had better justification.”^{ix}

LS: It was an irrational thing, going with the point of honor. And therefore it ought to have been abolished. Let us read the sequel.

Mr Roos: “And so kings forbade the practice under very severe punishment, but it was in vain. Honor, always eager to reign, revolts and recognizes no law.

“Thus Frenchmen are in a most extraordinary fix: the laws of honor oblige a gentleman to avenge himself when he has been offended, but, on the other hand, justice punishes him in the most cruel fashion for avenging himself. If one follows the law of honor, he will die on the scaffold; if he follows the laws of justice, he is banished forever from the society of men. Thus there remains only this cruel alternative: to die, or to become unworthy of living.”^x

^{ix} In original: “This method of deciding cases was rather badly thought out, for if a man was more skillful or stronger than some other, it did not necessarily follow that he had better justification.”

^x In original: “Thus Frenchmen are in a most extraordinary fix: the laws of honor oblige a gentleman to avenge himself when he has been offended, but, on the other hand, justice punishes him in the most cruel fashion for avenging himself. If one follows the law of honor, he will die on

LS: The contradiction is clear, between the French laws and the laws of honor. Which side to take? Which side does Montesquieu take?

Mr. Bruell: He takes the laws of honor.

LS: Yes, but they are irrational.

Mr. Bruell: Well, he would prescribe changing them by other methods.

LS: Let us stick to the most obvious things. The laws of reason and the laws of honor contradict each other. And you suggest that Montesquieu nevertheless would side with the laws of honor. What would be his reason? After all, there must be a reason for any irrationality.

Mr. Bruell: Because it is not possible to change them, without bringing—

LS: No, no, in the context. What is the key point?

Another student: Seemingly two reasons: if the people don't have at all this desire for honor, then they are bad soldiers and they are fearful; and secondly, the stabilizing position of the aristocracy and the nobles if there is no honor is taken away.

LS: In other words, the distinction between monarchy and despotism breaks down. Differently stated, public liberty. So for the sake of public liberty, Montesquieu would be willing to swallow an irrational accompaniment of it; and once you have a warlike nobility, you have a point of honor; you have dueling. And the enlightened despots who abolish duels abolish by this very fact also a pillar of freedom. We will come across another parallel to that pretty soon.

Then we turn to letter 92. The point which I have in mind occurs in number 92, the second paragraph before the end.

Mr Roos: "The Parliaments resemble ruins that are kicked about under foot but that ever recall the idea of some famous temple celebrated by the ancient religion of nations. They perform practically no function now other than to administer justice, and their authority will go on steadily declining, unless some unforeseen set of circumstances arise to resuscitate their strength in life."^{xi} These great bodies have followed the lot of things

the scaffold; if he follows the laws of justice, he is banished forever from the society of men. Thus there remains only this cruel alternative: either to die, or to become unworthy of living." *Persian Letters*, LXXXV, 175–76.

^{xi} In original: "They perform practically no function now other than to administer justice, and their authority will go on steadily declining, unless some unforeseen set of circumstances arise to resuscitate their strength and life."

human. They have bowed before time, which destroys everything, before customs that have weakened all things, and before supreme authority—”^{xii}

LS: [No, no], before custom—before the corruption of manners, *corruption des mœurs*. And the parliaments are such another bulwark of public liberty in the French monarchy, and they too are in a state of decay, partly due to the work of the French kings. And Montesquieu therefore—that’s the same thing, he’s siding with the nobility as he sided with the parliaments and even as he’s siding with the church to some extent, as we know from the *Spirit of the Laws*.

There is something in 91 which is interesting which is a proper link. I’m sorry. It’s a story told by Usbek to Rostan.

Mr Roos: “There has appeared here a person disguised as an ambassador of Persia, who is insolently making sport of the two greatest kings of the world. He bears to the French monarch gifts that our monarch would not dare to give to a king of Emeritia or Georgia, and has by his shameful avarice thus dishonored the majesty of the two empires.

“He has made himself a laughing stock in front of people who pretend to be the most polite in Europe, he has caused people to say in the West that the King of Kings reigns only over barbarians.”^{xiii}

LS: The king of kings of course is the Persian king.

Mr Roos: “He has received honors that he seems to have deemed worthy of refusal for his own person. As if the court of France were more concerned with Persian greatness than himself, it has lent him the appearance of dignity before a people who feels only contempt for him.

“Say nothing of this ; spare the head of a miserable man. I should not like our ministers to punish him for their imprudence and for the unworthy choice they have made.”^{xiv}

LS: This shows the difference between Persia and Paris. Or between oriental despotism and monarchy. Here is a Persian who is concerned with honor, the honor of his country,

^{xii} *Persian Letters*, XCI, 176.

^{xiii} In original: “He bears to the French monarch gifts that our monarch would not dare to give to a king of Emeritia or Georgia, and has by his shameful avarice thus dishonored the majesty of two empires. He has made himself a laughing stock in front of people who pretend to be the most polite in Europe, and he has caused people to say in the West that the King of Kings reigns only over barbarians.”

^{xiv} In original: “He has received honors that he seems to have deemed worthy of refusal for his own person. As if the court of France were more concerned with Persian greatness than himself, it has lent him the appearance of dignity before a people that feels only contempt for him. Say nothing of this in Ispahan; spare the head of a miserable man. I should not like our ministers to punish him for their imprudence and for the unworthy choice they have made.” *Persian Letters*, XCII, 177.

the honor of his prince, and he observes this disgraceful behavior of the Persian ambassador to Paris. A French ambassador on a similar occasion would never have done that, because the concern with honor of the French king would have permeated him and have overcome all avaricious and stingy inclinations. And here in this case, after he has made this faux pas, it is not possible even to correct him, because the correction would be that his head is cut off immediately instead of being dismissed from office. So that is the impossibility of acting honorably in the sense of *point d'honneur* in a despotic monarchy.

Now number 93 is a document of Usbek's piety. His brother is some kind of Persian monk. He tells here the story of the Christian hermits in the early times of Christianity and the story of the demons by whom these monks claim to be pursued in the desert. And at the end of the third paragraph he says: "If all this is true", what these monks say about the demons—

Mr Roos: "If what they say is true, their lives were as filled with marvels as those of our most sacred demons. They would sometimes spend ten years on end without seeing a single man but they lived both day and night with demons."

LS: Read only the last sentence of this paragraph.

Mr Roos: "If all this is true, oh venerated brother, one must admit that no one lived in worse company."

LS: And the next sentence.

Mr Roos: "Reasonable Christians regard all these stories as a very natural allegory that can help make us aware of the misery of the human life."

LS: And this of course—the implication is that he would naturally do the same with stories about Muslim saints. And the end of the last paragraph.

Mr Roos: "He has purified the earth, formerly filled with the dominion of the evil one, and made it worthy of the sojourn of angels and prophets." ^{xv}

LS: And so in other words, there are no longer demons around who could tempt and so on the human race. Now we come here—do you want to say something?

Student: It does seem that there is a progression in Usbek of his attitude to Persia, and there is a later letter that would make an even stronger statement about his doubts about the Persian—

LS: Yes, we have already seen a few, and we will see more. Now the next paragraph, or the next letter, deals with political science in the narrow sense,⁸ [with] public law, by which he means here however international law. The first paragraph has often been quoted—letter 94.

^{xv} *Persian Letters*, XCIII, 178–79.

Mr Roos: “I have never heard people discuss public law without beginning by searching carefully for the origin of societies—which strikes me as ridiculous. If men never formed any societies, if they abandoned each other and fled each other’s company, we should have to ask a reason for this and search out why they stand off from each other. They are all mutually bound one to the other.”^{xvi} A son is born in his father’s proximity and he stays there. There is your society, and your reason for society.”^{xvii}

LS: Now this has obviously been directed, as every school child knows, against the state of nature speculation so rampant since the 17th and 18th centuries, but is this the full story? That only these people like Hobbes and Locke are concerned with the origin of society?

Student: [The] Biblical account.

LS: Biblical, yes, and also Aristotle. After all, at the beginning of the *Politics*, it is the origin of society. So that seems to be a rather superficial statement of Montesquieu. To some extent,⁹ [it] is of course correct that the *Spirit of Laws* seems to agree with this¹⁰. [There] very little is said about the state of nature, and what is said is contradictory, for example, the old teutonic tribes were in the state of nature, [and] as they clearly have¹¹ [an] organized society,¹² what state of nature does he mean there? These state of nature speculations were of no interest to Montesquieu, [that one can say].

The question is of course how did he understand the sociality of man if that is so. Only under that condition would the question of the origin of society, of *any* society—I mean, when Aristotle speaks at the beginning of the *Politics* of the origins and he describes the genesis of the polis, there is of course for Aristotle no question that society as society, in any form which it may take, has an origin that is coeval with man. To that extent what he [Montesquieu] says agrees with Aristotle. Do I make myself understood? I mean the polis does not exist always¹³—you know, there are no poleis in Persia and other places. And there were not always poleis in Greece, of course. But societies were always; they may not be more than clans, very large families, but the question which one would have to address to Montesquieu is: if you regard man as by nature social, how do you mean that? Because that can be a very ambiguous thing. It can mean the natural sociality in the deep sense in which Aristotle meant it, and it can be¹⁴ [the] outcome of the natural mechanism of the human soul. That is the way in which Spinoza restates the old ‘man is by nature a social animal’ because there is a kind of association of ideas. Say when we see another man pained or pleased, then by an association of ideas, other things being equal, his pain pains us—of course not as much as our own pain, but it would pain us—and his pleasure pleases us. Now there are complications obviously; other mechanisms enter and modify this. And the same is true of Hume’s view of sociality of man; it is the product of a mechanism; it is not truly natural.

Student: Would you say, for example, that man is social only when he is with other men?

^{xvi} In original: “But they are all mutually bound one to the other.”

^{xvii} *Persian Letters*, XCIV, 179.

LS: Here and there there may be individuals who live in isolation when they are no longer babies. A crucial implication, because when he is already capable to live as a small child, he has already undergone social influences; he has already been as they say ‘socialized.’ The term is interesting because it shows that man is not by nature social according to this view. He needs the process of socialization.¹⁵ If you can take these terms very seriously, which is always a question, but on the face of it it looks that if they have to be socialized, they are not social to begin with. They probably mean how he acquires the characteristics of this particular society. How he becomes a Tory and not a Whig, or vice versa. This is the political socialization.

Now let us go on where we left off in letter 94.

Mr Roos: “International law is better known—”

LS: In French it’s the same word, public law. One should really do that, and not try to be more precise than the author, especially if the author is known as a rather good writer.

Mr Roos: “Public law is better known in Europe than in Asia. Nonetheless, it can be said that the passions of princes, the patience of peoples, and the fawning of writers, have served to corrupt all its principles.

“This law, as it exists today, is a science that teaches princes just how far they can violate justice without jeopardizing their own interests.”^{xviii} What a name, Rhedi, to want to enact injustice into a system, to give the rules of a system, form its principles, and accordingly draw forth consequences—and all that in order to harden their consequences.

“The unlimited power of our sublime sultans, which knows no other law than its own, produces no greater number of monsters than that unworthy art which hopes to bend to its will justice, rigidly inflexible though it may be.”

LS: This of course cuts also the other way around. That the European system is terrible because of its lawlessness, but that our almighty sultans are also not models of justice. So this is just another proof that Usbek is very much advanced in his emancipation from his domestic prejudices.

Mr Roos: “One might say Rhedi there exist two quite different justices; one that regulates individual affairs and that reigns in civil affairs; and another that settles differences between nation and nation, and that tyrannizes over public law—as if public law were not itself a form of civil law, not, in truth, of a particular country, but of the world.”^{xix}

^{xviii} In original: “This law, such as it exists today, is a science that teaches princes just how far they can violate justice without jeopardizing their own interests.”

^{xix} In original: “One might say Rhedi there exist two quite different justices; one that regulates individual affairs and that reigns in civil affairs; another that settles differences between nation

LS: So in other words, international law is the civil law of states, where the units are not individuals, but states. Now the question is whether that is a plausible suggestion; whether this parallelism of civil law and international law is so easy to carry through. What are the obvious difficulties? This problem by the way is still with us; there are still people who use that.

Student: There is no third party society.

LS: And also no legislator as far as the positive law is concerned. Now he continues then into the next letter.

Mr Roos: “Magistrates should administer justice between citizen and citizen. Each nation should administer justice between itself and another nation. In the second meaning now of justice, no other principles can be used, save those obtaining in the first.”

LS: Yes, but the obvious difference here is that the people is to be judged in their own court.

Mr Roos: “Between nation and nation a third party is rarely necessary as judge, for the terms of dispute are almost always clear and easy to conclude.”

LS: Yes, that’s funny. Think of such a beautiful question as what should be done to Eastern Germany, where you can easily decide the rights and wrongs. That sounds extraordinary, but something of this kind we have also found as we have seen in the *Persian Letters*. We come back to this later.

He develops then his doctrine of the just war which should not detain us particularly.

Let us read then only the fourth paragraph from the end of this rather long letter.

Mr Roos: “Conquest in itself gives no rights. When the conquered nation still exists, it forms a pledge for peace and a reparation for the wrong; if the nation is destroyed or scattered, it constitutes a monument to tyranny.”^{xx}

LS: And at the end, the last paragraph of this letter.

Mr Roos: “Here, my dear Rhedi, you have what I call public law; here you have international law, or rather the law of reason.”^{xxi}

and nation, and that tyrannizes over public law—as if public law were not itself a form of civil law, not, in truth, of a particular country, but of the world.” *Persian Letters*, XCIV, 179–80.

^{xx} In original: “Conquest in itself gives no rights. When the conquered nation still exists, it forms a pledge of peace and of reparation for the wrong; if the nation is destroyed or scattered, it constitutes a monument to tyranny.”

^{xxi} *Persian Letters*, XCV, 180–82.

LS: This doesn't come out in the English translation, because he uses a French word, *le droit des gens*, which is the French translation of the *jus gentium*. You know that meant something entirely different originally. Here is the *jus gentium*, or rather the *jus rationis*; that's a joke. In the Roman law text, we find a distinction between *jus naturale*, natural right, and *jus gentium*, the right of the nations. And according to the best known statement, the *jus naturale* is that right which man shares with all brutes, say upbringing of offspring and so on; whereas the *jus gentium* is that which human reason has evolved and which distinguishes man from the brutes.

But then there is another meaning according to which natural right is natural right in the full sense, and the *jus gentium* is a positive right which has emerged in the intercourse of the nations, say as commercial law and such things, which has emerged out of this intercourse and owes its validity by the tacit or explicit agreement between the various nations. The latter sense is the one¹⁶ which is used for example by Hugo Grotius. And this old quarrel about the relation of *jus naturale* and *jus gentium* is behind this kind of pun at the end of this book.

Mr. Bruell: In the paragraph beginning "the conquest doesn't give a right by itself," that was apparently considerably changed from the edition of—I mean that is the change.

LS: What was it originally?

Mr. Bruell: The first edition said "The right of conquest isn't a right. A society can't be founded except by the will of the associates. If it is destroyed by conquest, the people becomes free again. There is no new society, and if the conqueror has to form one, it's a tyranny."

LS: In what sense is there an important difference? I do not note it.

Mr. Bruell: I don't know if this is important, that he explicitly refers to the origin of society as the basis for that.

LS: Oh, I see. That's indeed relevant; thank you.

So then we have a letter again from the other quarter. Yes?

Student: This point of conquest is against regional . . . too, that the ruler establishes himself by conquest and has certain rights.

LS: Sure, and according to the traditional doctrine it means if the war is just. This is discussed at length by Locke in the chapter on conquest where he develops this new doctrine that there is no right of conquest. Montesquieu's very brief statement doesn't go beyond Locke in any way.

Mr. Bruell: I wanted to ask you also, there seemed to be a change between this statement and the *Spirit of the Laws* where the just war is much more broadly defined.

LS: I haven't looked it up, but this is a rather short and not very enlightening statement.

Mr. Bruell: Well, it's written to Rhedi, so it could be—

LS: Yes, well [to this] young man.

Student: He doesn't develop the point about anticipatory wars, or whatever they call that.

LS: Preventive? No, that he doesn't discuss here. This simple statement in the fourth paragraph of letter 95—there are only two kinds of just wars, one which one makes in order to repel an attacking enemy, the other in order to help an ally who is attacked. Of course this leads to other interesting questions—you can have made the alliance with this ally in order to have a *causa belli*, the cause of the war. You cannot treat well the law of war in a single letter. There are people even today who think they can do that, but we have I think some suspicion against their penetration.

Now 96 comes again from the other quarter, from the first eunuch, but here the connection with politics is particularly clear. We cannot read the whole letter—what was the occasion? Oh, new women have arrived. Yellow women, and he bought one for his brother—that's very good to hear. The third paragraph from the end.

Mr Roos: “We note that the more women we have under our eyes the less trouble they give us. A more stringent need to please, less opportunity to band together, more examples of submissive obedience; all of this forges change for them. Some are ever attentive to the behavior of others. It would seem that they work hand and glove with us to make themselves more dependent. They perform a part of our task for us, open our eyes for us when we close them. What am I saying? They endlessly arouse the master against their rivals, and yet they cannot see how close they are to those that are punished.”

LS: So in other words the relation between numbers and despotism—I mean of course it is not only a plea for polygamy, but it has also¹⁷—the larger the number, the more the need for despotic rule. And the next paragraph is also perhaps noted with interest.

Mr Roos: “But all of that, magnificent lord, is nothing without the presence of the master. What can we do with this vain semblance of an authority that is never entirely communicated. We represent but weakly half of your own self; we can show them only a hateful severity. As for you, you temper fear with hope. You are more absolute when you caress than when you threaten.”^{xxii}

LS: In other words, the whole authority of the first eunuch is only a vain phantom of authority without the presence of the master which he therefore requests. That doesn't need any comment.

^{xxii} *Persian Letters*, XCVI, 183.

The next letter is a letter to a dervish on physics. He makes it clear at the beginning that the occidental philosophers are of course inferior to oriental wisdom. That goes without saying. But still—and now let us read the third paragraph.

Mr Roos: “Thou couldst not possibly believe how far this guide has taken us.” —

LS: This guide is human reason, mentioned at the end of the preceding paragraph.

Mr Roos: “They have untangled chaos, and have explained by simple mechanics the order of divine architecture. The author of nature gave movement to matter; no more was necessary to produce this prodigious variety of effects we see in the universe.

“Let ordinary lawmakers propose to us laws for regulating human societies—laws are subject to change in the minds of those who propose them and those who observe them. These other thinkers speak only of general laws, immutable, eternal, which are to be observed without exception, with an order, a regularity, an infinite immediacy in the immensity of space.”^{xxiii}

LS: So, in other words, although they cannot be compared with the sages of the Orient, yet they achieved an amazing feat; and this was the discovery of the laws of motion, of laws which do not admit any exception, *any* exception—no miracles—and then he explains in the sequel there are no mysteries here. Read the next paragraph.

Mr Roos: “Now what, O holy man, does thou think these laws are? Thou may have perhaps imagined that entering here into the council of the Eternal, thou shalt be astonished by the sublimities and mysteries. Thou givest up any intention to understand and advance; thou art prepared only to admire.

“But thou must soon change thy thinking. These laws do not blind with false respect; their simplicity has kept them unknown for a long time, and it is only with much reflection that the depth and extent of them has been comprehensible.”^{xxiv}

LS: In other words, these very unmysterious Newtonian laws, this is the great feat of the West. Let us read—skip the next paragraph, where he speaks of the law of inertia especially.

^{xxiii} In original: “Let ordinary lawmakers propose to us laws for regulating human societies—laws as subject to change as the minds of those who propose them and those who observe them. These other thinkers speak only of general laws, immutable, eternal, which are to be observed without exception, with an order, a regularity, and infinite immediacy in the immensity of space.”

^{xxiv} In original: “Now what, O holy man, does thou think these laws are? Thou may have perhaps imagined that entering here into the council of the Eternal, thou shalt be astonished by the sublimity of mysteries. Thou givest up any pretension to understand in advance; thou art prepared only to admire. But thou must soon change thy thinking. These laws do not blind with false respect; their simplicity has kept them unknown for a long time, and it is only with much reflection that the depth and extent of them has been comprehended.”

Mr Roos: “Therein, O sublime dervish, lies the key of nature; these are pregnant principles from which flow endless consequences.

“This knowledge of five or six truths has filled their philosophy with miracles and has caused them to achieve almost as many marvels and miracles as all we are told of concerning our own holy prophets.”

LS: Which on the surface means it is indeed inferior to the marvels of the prophets, but almost as fine. Now go on.

Mr Roos: “For, in a word, I’m convinced that not one of our learned doctors would have rested easy if he had been asked to weigh all of the air surrounding the earth, or to measure all the water that falls annually on the surface; they would have had to think four times and over before saying how many leagues sound travels in an hour, or what is the time required of a ray of light to come from the sun to us, or how many fathoms are there from here to Saturn, or what is the angle of curvature on which a vessel should be hewn to make the best possible sailing ship.”

LS: So in other words, how inferior they may be to the prophets, the Western physicists, for they are superior to the Islamic doctors, because they couldn’t answer these questions.

Mr Roos: “If, perhaps, some divine man had ornamented the works of these philosophers with high-flown and lofty words, if he had mixed into them daring figures and mysterious allegories, he would have created a fine work, second only to our Holy Koran.”

LS: So, in other words, this work, say, of Newton is of course inferior to the Koran. Go on.

Mr Roos: “And yet, if I must tell thee how I really feel, I am scarcely drawn to a figured style. In our Koran, there are a great number of minor details that always seem so to me however much they may be enhanced by the force and liveliness of expression. First of all, it seems to me that inspired books are only divine ideas couched in human terms. In our Koran, on the contrary, we often find the language of God in the ideas of man, as if by some admirable whimsy, God had dictated the words and man had furnished the ideas.”^{xxv}

LS: Yes, you see that retracts the phrase of the Koran, and finally:

Mr Roos: “Thou wilt say perhaps that I speak freely of what is most sacred to us all. Thou wilt suppose that this is the fruit of the freedom in which people live in this country. No, heaven be praised! My mind has not corrupted my heart, and as long as I shall live, Ali will be my prophet.”^{xxvi}

^{xxv} In original: “In our Koran, on the contrary, we often find the language of God and the ideas of man, as if by some admirable whimsy, God had dictated the words and man had furnished the ideas.”

^{xxvi} *Persian Letters*, XCVII, 184–85.

LS: Which could conceivably mean that he is willing to accept a [kind of] sectarian,¹⁸ spiritualistic interpretation of Islam which would avoid the former contradiction.

Now I think there can be no doubt that Usbek has made great progress in Paris.

Now this very frank letter is followed by a letter of Usbek to Ibben. Remember Ibben? And this letter to Ibben deals with harmless things. He speaks of the *fermiers généraux*, tax farmers. Now let us read only the last paragraph of this letter.

Mr Roos: “I find, Ibben, that providence is admirable in the way in which it distributes wealth. If it would grant wealth only to good men, you couldn’t have made enough distinction between wealth and virtue and would no longer feel the sterility of wealth. But when one closely examines the sort of people who have most of it, by dint of despising the wealthy, one comes to have a scorn for wealth.”^{xxvii}

LS: That is in a way surely not an impious utterance, that one can say.

Mr. Bruell: Since you mention Ibben here, the apparatus in my edition said that Montesquieu’s first intention, as they gather from the notebooks, was to add that short letter of Ibben on suicide at the end of Usbek’s letter.

LS: You told me that last time; but I must say it makes more sense as it is now. Now not all changes that an author makes are necessarily improvements. But other things being equal, i.e., if he has not become senile or so, it can be assumed that the second version will be better.

Now the next two letters deal with the frivolity of the French in various ways,¹⁹ a theme which comes up again and again up to our day. We might perhaps read the third paragraph.

Mr Roos: “With such noble advantages, what does it matter if common sense comes from them elsewhere and that they have borrowed from their neighbor everything touching on political and civil government.”^{xxviii}

LS: In other words, they did not keep their own government of Teutonic origin and public liberty. And that comes up also in the following letters 102 to 104, which are the last letters from Usbek to Ibben. Let us turn to letter 102, in the second paragraph where he says—

Mr Roos: “The most powerful European states are those of the Emperor—”

LS: No, the next paragraph.

^{xxvii} *Persian Letters*, XCVIII, 186.

^{xxviii} *Persian Letters*, C, 188.

Mr Roos: “The majority of the governments in Europe are monarchies, or rather, called so, for I am not sure whether there has ever been any true ones. It is difficult for them to have existed very long in a pure state. For monarchy is a violent state, always degenerating into despotism, or into a republic.”^{xxix}

LS: That I find very interesting for a deeper understanding of the *Spirit of Laws*. At first glance, and to some extent that is very true, it is a statement by French noblemen in favor of the moderate monarchy of the past, I mean preservation of the nobility and of the parliament, that’s true. But if one goes more carefully over it and if one considers the praise of the English constitution which is explicitly called a republic, then one is led into reasonings which find an extreme expression in this very sentence: that monarchy, i.e., something limited, limited monarchy, is an uneasy medium between republics, I mean England is a republic, and despotism, Eastern despotism. We can under no circumstances disregard that. The next paragraph is also of some interest with a view to the *Spirit of Laws*.

Mr Roos: “Thus the power of European kings is great, and it can be said that they have as much of it as they choose. But they do not exercise it with the same scope as our sultans: first because they do not choose to upset the customs and religion of the people; secondly, because it is not to their interest to carry it so far.”

LS: Skip the next paragraph.

Mr Roos: “The habit they have of killing, at the slightest provocation, all who displease them—”

LS: Meaning the Asiatic princes—

Mr Roos: “—upsets the proportion that should obtain between offenses and punishments, and that is, as it were, the souls of states and the harmony of empires. Such proportion, scrupulously maintained by Christian princes, gives them a measureless advantage over our sultans.”

LS: That will remind you of Book 12 of the *Spirit of Laws*, you know the book immediately following the discussion of the English constitution, separation of powers, and do you remember what the content of Book 12 is?

Student: Criminal law.

LS: Yes. That is the indispensable concomitant of the separation of powers, if you want to have freedom, according to Montesquieu.

Now in the next letter we may read the second and third paragraphs.

^{xxix} *Persian Letters*, CII, 190–91.

Mr Roos: “The worst solution Asian princes could have found, he’s quoting a European, is to remain in hiding as they do.^{xxx} They try to make themselves more respected thereby, but they make the idea of royalty respected and not the king, and they encourage the attachment of their subjects to a given throne and not to a given person.

“The invisible ruling power is always the same for the people. Although ten kings whose name they do not know may have cut each others’ throat one after the other, the people feel no change. It is as if they had been governed in succession by ghosts.”^{xxxix}

LS: That also has all kinds of implications which it is not necessary now to discuss. Let us rather turn to 104, the last letter from Usbek to Ibben. This deals characteristically with the English.

Mr Roos: “The peoples of Europe are not all uniformly subjected to their princes. For example, the impatient temperament of the English allows their kings scarcely any time to consolidate his authority. Submission and obedience are two virtues they make least of. On this score they say extraordinary things. According to them there is only one bond which can produce attachment in men: gratitude. A husband, a wife, a father, and a son are bound mutually only by the love they have one for the other, or by the benefits they make possible one for the other. These various modes of gratitude are the origin of all kingdoms in all societies.”

LS: Yes, the sole link is gratitude; that is the British view of government, but of course there are two kinds: love, which parents may have for their children or vice versa; and also expected benefits, that is a different kind of gratitude.

Student: I just remembered in letter 80 he says that the attitude towards England—I’m just wondering if he were harsher on England now than he was in the *Spirit of Laws*. He says “moreover I cannot see that civil order, justice, and equity are better observed in Turkey, Persia, and among the Monguls than they are in the republics of Holland and Venice.” And then he says “even in England,” as if he were in a sense surprised—

Mr. Bruell: I thought that meant that even in England which is the most gentle in respect of criminal law.

LS: Who writes that letter? 80 you said?

Mr Roos: Yes, that was to Rhedi.

LS: Of course it can also be a thought of Montesquieu reflected in the mind of Usbek, and that is not necessarily a direct expression of Montesquieu.

^{xxx} In original: “The worst solution Asian princes could have found is to remain in hiding as they do.”

^{xxxix} *Persian Letters*, CIII, 192–93.

Student: That was meant as a compliment to their governments by saying for all their punishments and all their severities, these despotisms don't wind up any more law-abiding than the very general republics, so that's in no way an aspersion on the republics; it compliments them.

LS: And "even England" would mean then even England, which is not formally a republic, but a monarchy.

Student: Or "even England" where you would expect the most disorder because it's the gentlest—if the civil law is obeyed no better in Turkey than in England.

LS: Now let us go on here with the present letter in England, the second paragraph.

Mr Roos: "But if a prince, rather than seeking to have the subjects live happily, tries to oppress and destroy them, the principle of obedience ceases to operate: nothing binds them, nothing attaches them to him, and they return to their natural freedom. They hold that, since it could never have had a legitimate origin, any power without limitation could not be legitimate. For, they say, we could not grant to someone else greater power over us than we have ourselves. Now we do not possess unlimited power over ourselves; for example we cannot take our lives. Nobody on earth therefore, would have such power."^{xxxii}

LS: The argument is known to you, I take it, from Locke. This argument that an absolute power, an unlimited power, can never be legitimate. And that is in a way the English line, but that is not the most interesting implication of this passage.

Student: This reflects the discussion of suicide.

LS: So in other words, this argument is based on the denial of the right of suicide, and the right as we said was asserted by Usbek in the previous letter. Now Usbek of course does not contradict himself because he only reports the opinions of others, of the English in this case.

Student: In *The Spirit of the Laws* England is a place where there is a lot of suicide.

LS: Yes, and that is explained by the climate. It is so rainy and windy all the time, the fogs and so on.

Mr. Bruell: Then is the implication that their argument isn't justified from Usbek's point of view? If the argument for freedom is based on the fact that the right to suicide—

LS: [Yes, sure.] Now let us read the next paragraph.

Mr Roos: "The crime of *lèse majesté*, high treason, according to them is nothing more than a crime committed by a weaker against a stronger by disobeying him, whatever the

^{xxxii} In original: "Nobody on earth therefore, they conclude, has such power."

manner of disobedience. Thus the English people who discovered themselves the stronger against one of their kings declared that it was a crime of *lèse majesté*, high treason, for the prince to make war on his subjects. They are certainly quite right, therefore, when they say that the precept of their own Koran, commanding them to submit to a power, is not difficult to observe, for it is impossible for them not to follow it—all the more so—

LS: Not “impossible for them,” but “impossible simply.”

Mr Roos: “—all the more so as it is not to the most virtuous they are constrained to submit but to the strongest.”^{xxxiii}

LS: So they are obliged to submit; he means of course to be subject to the higher powers, and there it is not said be subject to virtuous powers. This was of course the New Testament passage^{xxxiv} establishing obedience to authority and always quoted in connection, but one of the many things that are funny in Locke’s *Civil Government* Part II—the only part which people ordinarily read today—is that this passage is never quoted. Be subject to the higher powers. And there is some kind of understanding between Montesquieu’s interpretation, be subject to the higher powers, and Locke’s ominous signs about it. The key passage on the relation between governed and government in Locke is, the Lord shall be the judge, and this does not stem from the New Testament, but from the Old—do you remember the context?

Student: Joshua leading Israel in battle against one of the other nations.

LS: I think it is the book of Judges. In other words, the fate of the battles will determine who is just, so to speak. And that is of course what Montesquieu has here in mind. How this can be reconciled with these beautiful principles of international law and so on of which we have spoken before—that is a long question.

Let us read the last paragraph.

Mr Roos: “The English recall that one of their kings, having conquered and imprisoned another prince who lay claim to his crown, with desirous of reproaching the latter for his perfidy and lack of fidelity. ‘It was only a moment ago,’ replied the unfortunate prince, ‘that it was decided which one, of the two of us, was the traitor.’”^{xxxv}

^{xxxiii} In original: “The crime of *lèse majesté* according to them is nothing more than a crime committed by a weaker against a stronger by disobeying him, whatever the manner of disobedience. Thus the English people who discovered themselves the stronger against one of their kings declared that it was a crime of *lèse majesté* for the prince to make war on his subjects. They are certainly quite right, therefore, when they say that the precept of their own Koran, commanding them to submit to Powers, is not difficult to observe, for it is impossible for them not to follow it—all the more so as it is not to the most virtuous they are constrained to submit but to the strongest.”

^{xxxiv} *Romans*, XIII, 1.

^{xxxv} In original: “The English recall that one of their kings, having conquered and imprisoned another prince who lay claim to his crown, was desirous of reproaching the latter for his perfidy

LS: Now if we generalize from that, in such situations it is impossible to say who is right and who is wrong²⁰. This would also have repercussions in the field of international law and make questionable the concept of the just war, a conclusion which Hobbes drew with all clarity at the beginning, because of the absence of a superior recognized by both sides; in other words, there is no impartial authority around. Therefore the distinction between just and unjust war doesn't make sense. These points are of course not sufficiently elaborated here, perhaps also not in the other works of Montesquieu.

And then follows a very interesting exchange in the next two letters, because we have read the praise of modern physics by Usbek in his letter to a Muslim clergyman. And now Rhedi questions the utility of scientific progress in Letter 105. We may perhaps read that. Read the third paragraph.

Mr Roos: "You know that since the invention of gunpowder, there is no impregnable city, which is to say, Ubsek, that there is no asylum on earth against violence and injustice.

"I am ever trembling while someone should fall upon some secret that makes possible a shortened path to the destruction of men, peoples, and entire nations."^{xxxvi}

LS: Hear, hear. Now let us skip a few paragraphs and read the passage beginning with "What was the use of the invention of the compass—"

Mr Roos: "What good was the invention of the compass and the discovery of so many other people done us except to communicate to us their diseases rather than their wealth? By general agreement, gold and silver were established as the price of all merchandise and as a gauge of value because these metals were rare, and invalid for any other use. What should it matter that they have become more common and that, to designate the value of a commodity, we have two or three tokens instead of one? It only makes things more inconvenient."^{xxxvii}

"But, from another point of view, this invention has been ruinous for the countries that have been discovered. Entire nations have been destroyed, and men who have escaped death have been reduced to such crude servitude that the story of it makes Moslems shiver.

and lack of fidelity. 'It was only a moment ago,' replied the unfortunate prince, 'that it was decided which one, of the two of us, is the traitor.'" *Persian Letters*, CIV, 194–95.

^{xxxvi} In original: "I am ever trembling lest someone should fall upon some secret that makes possible a shortened path to the destruction of men, peoples, and entire nations."

^{xxxvii} In original: "What good has the invention of the compass and the discovery of so many other people done us except to communicate to us their diseases rather than their wealth? By general agreement, gold and silver were established as the price of all merchandise and as a gauge of value because these metals were rare, and invalid for any other use. What should it matter that they have become more common and that, to designate the value of a commodity, we have two or three tokens instead of one? It only made things more inconvenient."

“Happy ignorance of Mohammed’s children! Lovable simplicity—”^{xxxviii}

LS: And so on. So in other words, he states a case against scientific progress. By the way this anticipates the *First Discourse* of Rousseau of course, which was written how many years later, in 1749 or thereabouts—yes, published 1750—discourse on, what was the question, whether the progress in modern sciences has contributed to progress of virtue, and which made Rousseau famous all over Europe at once²¹; as they put it in the 18th century French, he astonished the universe, *il étonna l’univers*. But here is the main point stated very simply.

Now Usbek of course, and that is to say here speaking on behalf of Montesquieu, must defend modern science. Now that’s a relatively long letter and an important letter, and we should discuss it next time. We can only say that this letter 106 is a beautiful document of Montesquieu as a liberal in that broader sense, where it means not only what liberalism means at this moment in this country, but this whole tradition from which present-day liberalism stems. And perhaps we will try to figure out what one can reasonably mean by liberalism²², a word which has gone through millions of hands and has not become cleaner by that process. And perhaps we can nevertheless give it some clear meaning.

¹ Deleted “and.”

² Deleted “in praising.”

³ Deleted “their.”

⁴ Deleted “de.”

⁵ Deleted “unjustifiable.”

⁶ Deleted “which.”

⁷ Deleted “about.”

⁸ Deleted “the.”

⁹ Deleted “he.”

¹⁰ Deleted “that.”

¹¹ Deleted “in.”

¹² Deleted “so.”

¹³ Deleted “and.”

¹⁴ Deleted “an.”

¹⁵ Deleted “You.”

¹⁶ Deleted “in.”

¹⁷ Deleted “the.”

¹⁸ Moved “kind of.”

¹⁹ Deleted “and.”

²⁰ Deleted “and.”

²¹ Deleted “and.”

²² Deleted “means.”

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LS: I think Letter 106, and do you remember the context in Letter 105? Rhedi had questioned the utility of scientific progress. Number 106 to which we turn now is Usbek's reply. Now we do not have to read the whole; let us read the fourth paragraph.

Reader: "You fear, you say, that some crueller method of destruction than now used will be invented.ⁱ No. If a fatal invention were to be made, it would soon be outlawed by international law, and unanimous agreement among nations would bury the discovery. Princes have no interest in conquering by such means. They have to be on the lookout for additional subjects, not territory."

LS: Read also the next two paragraphs.

Reader: "You commiserate on the invention of gunpowder and shells, but you shall find it strange that there shall be no longer an impregnable fortress—that is to say, you find it strange that wars would be ended sooner today than they used to be."ⁱⁱ

You must have noticed in your readings in history, that since the invention of gunpowder, battles are much less bloody than they were before, because there is practically no direct engagement now."

LS: This view has been frequently repeated, and the most powerful criticism which I have read you will find in Churchill's *Marlborough*, where he gives the data about Marlborough's wars and these¹ [battles] were no less bloody than any battles of which we have records. To say nothing of what we have observed in the meantime.

Now before we turn to a discussion of this point, let us read a few more passages.

Another Student: When they had time, the battles in Europe were fought for position, and they were not² [really] that bloody.

LS: But the real battles which decided the war, the Battle of Blenheim and others, were very tough battles—to attack artillery positions, and . . . when the attackers had reached the gun positions. What was true was that there was a certain mitigation of warfare, the respect for civilians, you know,³ that played a great role for some generations—say, perhaps, the First World War included; but surely not beyond, I mean in the age of aerial warfare, it is practically impossible to make a distinction between civilians and fighting

ⁱ In original: "You fear, you say, that some crueller method of destruction than that now used will be invented."

ⁱⁱ In original: "You commiserate on the invention of gunpowder and shells, and you find it strange that there shall be no longer an impregnable fortress—that is to say, you find it strange that wars would be ended sooner today than they used to be before."

troops. That I think is the only point, that the civilians were more respected, and to that extent—more than, say, in the Thirty Years' War and before. But that's about all. But you must not forget that since these were chiefly mercenary armies, and consisting of the scum of the earth, apart from the noble officers, the loss of the men in these battles was not regarded as something very terrible. That is also a point.

Now let us turn a little bit later, when one says that the arts make men effeminate—do you have that?

Reader: “The effect that arts soften a people and are thereby the cause for the fall of empires.”ⁱⁱⁱ You speak of the destruction of the empires of the ancient Persians and the effect of their softness. But that example is far from decisive, since the Greeks who conquered and subjugated them so many times, cultivated the arts with infinitely more care than they.

“When people say that the arts make men effeminate, they are not in any case talking of the people who practice them, for these people are never idle, of all vices, idleness is the one which most softens courage.”^{iv}

LS: Later on what happens? “The same spirit—”

Reader: “The same spirit that is caught by the nation. Work and industry are everywhere. Where then is this effeminate people you talk so much of?”

LS: In other words, the experience of the industrial and commercial modern nations shows that this is no longer true, the usual argument that only a peasantry is good for the virility of a nation. This old argument in favor of the agricultural classes was I think practically refuted for the first time in the First World War, when it was shown that the industrial workers were at least as good soldiers as the peasants. But prior to that it was regarded as a very general rule, the statements of Xenophon for example in the *Oeconomicus*, about the economic superiority of the peasants to the artisans—that was the traditional view and well accepted until a relatively short time ago.

Now there is another point which we should read—the last paragraph of this letter.

Reader: “From all this, you must conclude, Rhedi, that to keep a prince powerful, the subjects must live in pleasure. He must work to secure all manner of superfluity for them, devoting to this as much attention as he devotes to the necessities of life.”^v

ⁱⁱⁱ In original: “You think that arts soften a people and are thereby the cause for the fall of empires.”

^{iv} In original: “When people say that the arts make men effeminate, they are not in any case talking of the people who practice them, for these people are never idle, and of all vices, idleness is the one which most softens courage.”

^v *Persian Letters*, CVI, 197–99.

LS: So in other words, this traditional criticism of luxury is wholly unwarranted. The strongest nation is precisely one which engages in luxury and at the same time of course takes care of its

But since these things hang all together, the most obviously assailable statement of Montesquieu in this connection is the one which will occur in the fourth paragraph of this letter. “If a fatal invention would be made, it would soon be prohibited by the law of nations.” We are contemporaries to this fact and we know it empirically much better than Montesquieu could have known.

Now I say this way of thinking one could describe as liberal and we have found other examples of that in Montesquieu before. Do you remember them?

Student: The discussion toward the end of the *Spirit of the Laws* of the money exchange in Amsterdam, and how it has kept all the princes of Europe—

LS: [Yes.] And these and these things cannot happen any more once this stage of civilization has been reached. Whereas we have seen with our own eyes, that horrors possible in these highly developed countries are equal to say the least to the horrors of the most barbarous times.

If we try now to define that—I have Mr. Mueller’s paper on Fitzjames Stephen^{vi} in which a few things are said about liberalism—he was a critic of John Stuart Mill and in this connection I will say a few things. Unfortunately, I have forgotten the references, exact references. Mr. Mueller, do you remember your references to the question of liberalism in your paper?

Mr. Mueller: No I don’t remember where.

LS: Perhaps we can find it ourselves; what does this liberalism mean? This belief in a progress which will under no circumstances be revised in a negative sense, under no circumstances be a return to earlier barbarism. What is the fundamental difficulty?

Student: It would seem to me that there were certain conditions which he could not have been aware of. He thought that conditions as they were were going to continue without the rise of nationalism and other disruptive forces.

LS: But how come—what is there behind it? There will always be what you call disruptive forces.

Same Student: He felt that the values which they shared would continue forever among the princes.

^{vi} James Fitzjames Stephen (1829–1894), English lawyer and judge, critic of Mill’s liberalism; author of *Liberty, Equality, Fraternity* (1873) and *History of the Criminal Law of England* (1883).

LS: But how come men like Montesquieu believed that, and earlier men did not believe that?

Same Student: Part of the Enlightenment, I guess.

LS: Then you replace only one reference with another reference, without making it clear.

Another Student: It seems that they viewed it much more in terms of cause and effect, in other words, certain things which are happening will necessarily bring about a certain condition, and in Montesquieu's case, a lot of it was the Enlightenment, in other words, when the Enlightenment, defined as a cause of certain attitudes—

LS: But you would have to make clearer what it means. Mr. Shulsky?

Mr. Shulsky: In this particular case, it seems to be the economic view of man, which I suppose you could say comes from Locke, which would determine this particular point, that while the prince is obviously acting in, well, a self-interest, it has something to do with economics. He wants a conquered people to be prosperous so they can pay him large taxes, completely leaving out the fact that the hostilities between one group of people and another might be so great that they would be willing to annihilate them if they could. It comes down to the point where I believe in my country and self-preservation, and I'll take whatever steps lead to this economic result.

LS: That is part of it, but what did you want to say?

Mr. Bruell: There seems to be not the same emphasis on human vices or the same recognition—

LS: That is also implied in what Mr. [Shulsky] said, but that is not precise enough.

Student: There was plenty of recognition of human vice, but they thought they had understood it simply as a type of greed, and hence they decided that once this main vice which was greed was satisfied, matched by activity which can be considered virtuous, then there's no more need for vice.

LS: In other words, selfishness, but enlightened selfishness, is a happy medium between virtue and vice. And once people have become aware of that, that this will win out, it is more attractive to selfish men than virtue and it is also more attractive than vice because it pays better than vice. Is that it? Something of this kind.

Same Student: But selfishness understood in a rather different way; I mean people can be selfish and disrupt the liberal system too, but if it is selfish only for money, than everything is okay; if it's selfish for power in the sense of the ability to command others—

LS: But still the point, let us leave it at this for the time being. We would see then enlightenment as enlightened self-interest will be more powerful than the disruptive passions; or more simply stated, if men are really so much interested in their self-interest, thus understood whether the passions, especially in critical situations, are not much more powerful than the calculation. That is one point. But there is another thing belonging to a different claim, and that was expressed with particular clarity by Kant when he speaks of the French Revolution, the course of which he did not approve but he approved of its principle, but then in this connection he makes this remark—such a thing (namely that a people stands up against this whole power structure, as they call it today) will never be forgotten. The older view was great events, good or evil, will be forgotten again, if you don't do anything against them. But here they will not be forgotten.

That there is progress in this or that respect, that was seen more or less at all times, but what was implied in the older view is that there is not an unqualified progress because some new knowledge is compensated for, as it were, by some forgetting—and here forgetting whether it was plain forgetting or brought about by wars and other people's destructions of books and libraries—but here now the point is there will not; well, providence of course could also be accused as an instance, but not necessarily, but somehow men will not forget what they have achieved and what has happened, so if something proved to be feasible, it will never be forgotten.

But the fundamental difficulty seems to be this. If you take the position as it developed in the 19th and 20th century, then you have a very brutish beginning of course—it's an old story—and then a slow progress and a complicated progress and still further progress in the future, but then what have you? I mean you have this beautiful society, whether it is communist or whatever it may be, and then will people live happily ever after?

Student: Well, societies decline.

LS: There will be an end of the human race. I do not know whether Marx ever states this, but Engels states it very clearly. According to the general teaching of modern natural science, the whole cosmic system, at least that of which we are a part, will decay. And therefore the older thinkers would have said that if something is corruptible, then it has the seeds of corruption in it, and this will show in all kinds of unexpected places; so you cannot expect to have a perfectly stable order, and there is no intrinsic necessity of progress.

When the notion of progress was elaborated in the modern sense,⁴ in the 18th century especially by the Abbé de St. Pierre,^{vii} then he had this basis for that, the proof was this. The world had a beginning in time—well, he took the Bible as his basis, but you could also have taken Descartes' or Newton's construction, and it has no end in the future. So, say, a small number of years have passed, make it 6000, make it 60, it doesn't make any difference, and what were the enormous progresses made in that short time? Now in the

^{vii} Charles-Irénée Castel, Abbé de Saint-Pierre (1658–1743), author of *Project pour rendre la paix perpetuelle en Europe* (1713).

future you have infinity, and you can easily figure out what great and immense progresses will be possible in the future.

So, whatever we may think about the good Abbe de St. Pierre, this was somehow plausible: a finite time in the past, an infinite time in the future. But the more prevailing view now is that we are more or less in the middle. We are not 6000 or 60 years, but millions of years until we reach the thermonuclear age, and we may have as much time in the future if everything goes well till then. So I think that is also an important part of the idea of progress in the modern sense which didn't exist in the past. While the view that the world⁵, the visible universe, is eternal in the future, this is not simply the Biblical view, but I think it can be reconciled with the Old Testament point of view. But still that is the basis of faith then, and not of reason.

Student: Are you saying that in the Old Testament it is reconcilable to say that time, in other words history, will be infinite?

LS: Yes, that life of earth—the famous covenant with Noah, would this not on the face of it say this, that there will never be a destruction of life on earth, no deluge or anything of this kind [will ever happen again].

Student: Seeing the whole philosophy of history became much more relevant in this general period, was much of it directed against specific Christian interpretations of history, which—

LS: We will I think come across someone very soon in today's assignment, if I can still speak of assignment; I am not very sanguine in this respect.

But another point which is usually not considered when one speaks of the idea of progress—there are quite a few books; there was a book by Bury,^{viii} the ancient historian, on the idea of progress, and then a Scotchman, a theologian, whose name I forgot, on the belief on progress, which are quite useful to read, but I don't believe the analyses are sufficiently clear on the decisive points. What seems to me a crucial point is this, that the statements on progress in classical antiquity speak chiefly of intellectual progress, a progress of the arts. Surely they do not link up progress of the arts and sciences with social progress, whereas what happened in the 17th and 18th centuries is that social progress is understood as a consequence of intellectual progress.

The argument can be stated as follows: the arts or sciences necessarily progress (provided the external conditions are given), there are always possibilities of improvement, and if people are sufficiently alert, then they will make improvements. Now the point which was now added is this: that the intellectual progress will necessarily spread so that it will affect the whole society, and the whole society will become more rational, more enlightened, and science so to say will become an ingredient of public opinion, and therefore of public power. And then this will lead to social change. In Descartes and

^{viii} J. B. Bury (1861–1927), Irish classicist, author of many works on classical and Byzantine history, and of *Idea of Progress* (1920).

Hobbes these views are clearly expressed. That is I think the new thing—the simple coordination of intellectual progress and social progress.

Now let us turn to Letter 107, which is a letter to Ibben. In the first paragraph he says “the kings are like gods, and while they live, one must believe them immortal.”^{ix} Whether this is meant to be retroactive also regarding the gods is not clear, but possible. But that is not the point which I wanted to make. The last paragraph of this letter:

Reader: “In Persia people complain that the kingdom is ruled by two or three women. It is much worse in France, where women in general rule, and take not all authority wholesale but even share it among themselves in retail.”^x

LS: Now must this be read as a statement of a Persian patriot who of course would prefer things Persian to things European, or does Montesquieu destroy that dramatic illusion, [I mean] simply speaking, using the Persian only as his mouthpiece, so that we hear Montesquieu as it were directly? That is the question which one cannot help raising on other occasions too. We have seen that there are quite a few passages of course where Montesquieu speaks and preserves that dramatic illusion—that is the Persian traveling in Europe and being transformed under the influence of Europe, but he also does the other thing. What did you want to say?

Student: Rica, of the two of them, Rica and Usbek, Rica seems much more accustomed to French ways. In many letters back he says that he considers himself a Frenchman and is used to the customs. If Usbek says this, then you would say that Usbek is sort of shocked by seeing them around without their veils on, but Rica has written many letters back already and he didn’t see anything strange in seeing women enjoy freedom and so forth.

LS: I have not sufficiently watched these things; that is doubtless true that one would have to do quite a bit of work, and quite a bit of statistical work, to answer that.

Now the next four letters, 108 to 111, are all addressed to the same three-star man. And the first and the last from Usbek,⁶ the two central ones from Rica. What this means and whether it means anything, I do not know. But it is one of the many things where I simply cannot help you.

Now 112 is obviously of interest; it is the same situation which we had before—Rhedi writes to Usbek; let us read the first two paragraphs.

Reader: “During my stay in Europe, I have been reading the ancient and modern historians. I am continually making comparisons. I take pleasure in seeing them pass in review before me, so to speak, and I fix my attention in particular on those great changes which have made some ages so different from others, and the earth so unlike itself.

^{ix} *Persian Letters*, CVII. Strauss’s own translation.

^x *Persian Letters*, CVII, 200.

“Perhaps you have never given thought to something that surprises me daily. How can the world be so sparsely populated in comparison with what it once was? How can nature have lost that prodigious fertility of primitive times? Could she already be in her old age, or could she fall into her dotage?^{xi}”

LS: Read the two last paragraphs of this letter.

Reader: “After a calculation as exact as can be made in this sort of question, I have discovered that there are on earth scarcely a tenth of the men who were here in ancient times. What is astonishing is that it is decreasing daily in population, and if this continues, in ten years it will be nothing but desert.

“That, my dear Usbek, is the most terrible catastrophe that has ever happened to the world. But people have scarcely noticed it because it came about imperceptibly and during the course of a great many centuries. This betokens an interior vice, a secret, hidden poison, a lingering sickness afflicting human nature.”^{xii}

LS: You see Rhedi again in the same role as the “pessimist” as Usbek will prove to be again the optimist. We have seen this before in number 105 and I think there was an earlier occasion of the same nature. The picture which Rhedi presents reminds of the description given by Lucretius, as in the world is aging and decay is more or less imminent, which of course would be fatal to belief in progress. And now let us see how the wise Rhedi replies to that. This is a whole sequel from number 113 to 122, letters from Usbek to Rhedi dealing with this question. Do you want to say something?

Mr. Bruell: This seems very similar to the discussion in the *Spirit of the Laws*.

LS: Yes, but not exactly in the same point.

Mr. Bruell: Not as explicit.

LS: The fundamental question of the perishability of the world is not raised in this way in the *Spirit of Laws*. But let us first read the most theoretical letter, the first one.

Reader: “The world, my dear Rhedi, is not incorruptible. The heavens themselves are not so. Astrologers are eyewitnesses to their shifting, a quite natural effect of the universal movement of matter.”

LS: Let us stop here. The world is not incorruptible. It can be destroyed, and this of course casts a shadow on the simple belief in progress. He uses a word here ‘the heavens themselves,’ *les cieux mêmes*, which is interesting because that is of the Biblical usage, the plural; the Greek usage is singular, and the Bible due to the Hebrew word *shamaim* which is a plural form or perhaps a dual form—it is translated by the heavens, plural, in all the European languages.

^{xi} In original: “Could she already be in her old age, and will she fall into her dotage?”

^{xii} *Persian Letters*, CXII, 205–6.

This I mention only in passing.

So this point he grants. The world is corrupted. How does he go on?

Reader: “The earth is subjected just as our other planets, to laws of movement. Within herself she suffers a perpetual struggle between her principles: sea and continent appear to be at war eternally. Every second produces new combinations.

“Men, living in a home so subject to change, are themselves in just as unstable a state. A hundred thousand causes can be at work, capable of destroying them, or even more likely, of diminishing or increasing their numbers.

“I shall not discuss these particular catastrophies so often used by historians, that have destroyed whole cities and kingdoms. There have been general catastrophies that have many times brought the human race within an ace of its destruction.

“History is full of those universal pestilences that time after time have afflicted the earth. It speaks of one, among others, that was so violent that it burned the very roots of plants and was felt in all the known world, even as far away as the Empire of Cathay.”

LS: China.

Reader: “One more degree of corruption would have perhaps, in a single day, destroyed the whole of human nature.”

LS: That only confirms the point that a particular corruptibility of the earth and of the human race.

Reader: “Not quite two centuries ago, the most opprobrious of all maladies made itself felt in Europe, Asia, and Africa. In short order, it had unbelievable effects. Men would have been finished if it had continued with the same fury.”

LS: If it had continued its progresses. That’s also nice—I don’t believe that this is deliberate on the part of Montesquieu.

Reader: “Overwhelmed by the ills of their birth, and capable of upholding the burden of society, they would have perished miserably.

“What might have happened if the poison had been a little stronger? And it would doubtless have become so if men had not been fortunate enough to find a remedy as powerful as the one they discovered. Perhaps this disease, attacking the members of generation, would have attacked the very principle of generation.”

LS: Attack the generation itself. Now this is a point which Lucretius may say against Aristotle. Aristotle and also Plato speak of cataclysms, you know, which means a

destruction of most men, most animals, and the arts, as you know, deluge or whatever it may be, but they will never destroy the whole human race. That is the implication. Otherwise the human race couldn't be eternal, as it is according to Aristotle. Lucretius makes the point, if these are so powerful as to destroy almost all men, why could they not destroy literally all men? In other words, that is the difficulty. But that's not the turn which Montesquieu takes. He grants that there have been pestilences and everything else which have destroyed almost all men, but, speaking of the syphilis, man has proved to be able to prevent the destruction of the human race by timely inventions. So he has a reason for being sanguine.

Reader: "But of what avail to talk of the destruction that might have come over the human race? Did it not actually happen, and did not the flood reduce the human race to a single family?"

LS: Let us stop here. So in other words, we do not have to go into these not greatly authenticated possibilities of which he has spoken. We take the case of the deluge which everyone will admit on the basis of the Bible. The deluge differs of course from the other cases by the fact that here one human couple, and the nearest family, was saved miraculously, not by human inventions; and miracles are not possible if the world is not a created world. This one must keep in mind; otherwise, we will not understand the next paragraph.

Reader: "There are some philosophers who distinguish between two creations: the creation of things and the creation of man. They are unable to comprehend that matter and created objects are only six thousand years old and that God should have postponed his works for an eternity and called upon his creative powers only yesterday. Would this be because he was not able or because he didn't want to? But if he were not able in some point in time, then he would be unable at some other time. Thus it must be because he did not choose to do it."

LS: He did not will it.

Reader: "However, since there can be no succession of change in God, if you admit that he might have chosen to do something at one time, then he always chose to, and from the very beginning."

LS: The next paragraph.

Reader: "Nevertheless, all historians talk of a—"

LS: No, no—"one must therefore not count the years of the world; the number of grains of sand of the sea is not more comparable to them as a second."^{xiii} That is not in your translation?

^{xiii} *Persian Letters*, CXIII. Strauss's own translation of a sentence not included in the assigned translation.

Student: No.

LS: What he says here in this paragraph is this. He makes a distinction between the creation of things and the creation of man. The things were not truly created because there was no beginning to them but, there is still implied, there was a beginning of man, and that he has to discuss in the next paragraph. In other words, there was always moved matter, we can say, that was not created, but there was not always man.

Reader: “Nonetheless, all historians talk of a primeval father. They present us with a picture of nascent human nature. Is it not natural to think that Adam was saved from a universal disaster just as Noah was saved from the Flood, and that such great events have been frequent on earth since the creation of the world?”

LS: The question is then, was there ever a first man, Adam? And the answer of this philosopher to whom he refers, or of Usbek himself, to say nothing of Montesquieu, is that there was in all these cases a single survivor of a cataclysm, just as Noah was the survivor of the deluge, Adam was the survivor of a previous catastrophe and so on; there was never an interruption of the chain of generations.

Student: Wouldn't this cast even a stronger doubt on the question of progress then? Presumably, you get to a certain point where mankind would have achieved certain things, and then you get one of these disasters which only leaves you with a few people, and then you have to start all over from the beginning.

LS: That is true, but I find something else even more interesting. The implication is that the human race is eternal. That one would not believe to find in the 18th century. I mean I am not speaking now of the Biblical tradition of course, but even of people who were so little bound by the Biblical tradition as Montesquieu, that he⁸ [should have] not simply⁹ rejected the eternity of the human race. I observed that in Hobbes and in Spinoza, and I asked some people who know much more [than I do] about the history of science,¹⁰ and I have not received a satisfactory answer. For example, the fact that Descartes gives a genesis of the beginning of the universe does not prove that this is meant to be strictly speaking true. It could also be¹¹ [meant] as a kind of pictorial presentation, not to be taken literally, of the universe. To look at it as if it had come into being, to give a genetic presentation, in order to make it more intelligible. But whatever the case may be in Descartes, in Hobbes and Spinoza I found these statements, and it would be quite remarkable if this change to a genetic account of the universe as a true account on the part of people not bound by the biblical tradition would have taken place so late. That is a thing worth studying.

But now to come back to your point—you are quite right. If there are regular characters in this destruction of everything, there must be an end to progress, but I don't think that Montesquieu gave this problem sufficient consideration.

Student: [Even] if that were the case, still for all practical purposes there would still be the notion of progress. In other words, for all ordinary political purposes, you would just assume that things get better and better, and when the disaster hits you—

LS: Sure, sure. But it is not quite worthy of a philosopher to be oblivious of these difficulties, although for practical reasons you are quite right.

Now let us read from the next paragraph.

Reader: “But all destruction is not violent. We can see several parts of the earth growing tired of furnishing subsistence to men. How do we know that the whole earth is not endowed with general causes of lassitude, slow and imperceptible though they may be?”^{xiv}

LS: So, in other words, this confirms it. He is perfectly willing to grant that the earth and hence man is perhaps destructible. Now this short statement, three pages, is everything he has to say about the cosmology or physical properties, and then he turns now to the moral causes of depopulation.

Reader: “You search for a reason why the earth is less populated than it formerly was, and if you are attentive you will see that the great difference is the change that has come about in morals.

“Since the Christian and Moslem religions have divided the world between them, things have changed radically. These two religions are far from being as favorable to the propagation of species as was the religion of those masters of the universe.

“In their religion, polygamy was forbidden, and therein this religion had a great advantage over the Moslem religion. Divorce was permitted, which gave it no less advantage over the Christian religion.”^{xv}

LS: That is I think very clear, and while it is a letter of a Muslim, and he is very critical of his Islam, and therefore he is critical of Christianity equally, but you can equally replace Usbek by Montesquieu.

He gives first a criticism of Islam, which we might read first.

Reader: “I can find nothing more contradictory than the plurality of women permitted by the Holy Koran and the order given to keep them satisfied contained in the same book.

“‘See to your women,’ says the prophet, ‘for you are as necessary to them as their clothing, and they are as necessary to you as your clothing.’ This is a precept that makes the life of a true Moslem very toilsome. The man who has the four wives established by

^{xiv} *Persian Letters*, CXIII, 207–8.

^{xv} In original: “Divorce was permitted, which gave it no less considerable advantage over the Christian religion.”

law, and only that many concubines and slaves—must he not be weighed down under so much clothing.?

“‘Your women are a tilth for you,’ continues the prophet. ‘Draw nigh, therefore, to your tilths; work their welfare for your souls, and one day you will find Him.’

“I look upon a good Moslem as an athlete, who is destined to wrestle without repose, but who,¹² is soon wearied and overcome by his first toils, languishes away in the very field of his victory, and is buried, so to say, beneath his own triumphs.^{xvi}

LS: So that is the case against Islam. And then he develops this in the same spirit in the sequel. Let us only read the second paragraph from the end of this letter.

Reader: “And that is how one single man employs in his pleasures so many subjects of both sexes, causes them to die for the state, and makes them useless for the propagation of the species.”^{xvii}

LS: Because this polygamy requires the work of a eunuch, who are also prevented from procreating and so on. You see of course that this is Usbek’s own case here, although he does not reflect on it now. He does not reflect on it because he lacks some self-knowledge. That is a crucial part of Usbek as a character in this book. That it is so easy to criticize institutions, easier than to apply that criticism to benefit oneself.

Student: I have a letter from the 1001 Tales where it is implied that polygamy, if it is used in a good way, brings quite a bit of procreation. I don’t remember which letter it is.

LS: But still, is the argument not quite good? A single man, well, he can of course fertilize four or more women as well as he can fertilize a single one, that is quite true. But the difficulty arises when he is getting older and still is getting young girls, slave or not slave, and takes them out of circulation so to speak.

Student: He points to this in this [next] letter. And he says the Romans used to hand the women along to several husbands.

LS: We come to that. Now what is in the next letter?

Reader: “The Romans possessed no fewer slaves than did we.”

LS:¹³ “We” means of course Muslims.

Reader: “They even had more, but they made better use of them.

^{xvi} In original: “I look upon a good Moslem as an athlete, who is destined to wrestle without repose, but who, soon wearied and overcome by his first toils, languishes away in the very field of his victory, and is buried, so to say, beneath his own triumphs.”

^{xvii} *Persian Letters*, CXIV, 208–10.

“Far from forcefully preventing the multiplication of these slaves, they encouraged it with all their power. They associated them as often as possible in a sort of marriage. In this way they filled their house with servants of both sexes and all ages, and filled with countless people the state.”^{xviii}

“These children of slaves, who were eventually a source of riches to the master, came into the world, uncounted, all about him. He alone was responsible for their nourishment and upbringing. The fathers, free of such burden, followed only the inclination of nature and multiplied with no fear of having too large a family.”

LS: Now let us skip the next two paragraphs.

Reader: “These slaves, having become rich by their own work and diligence, freed themselves and became citizens. The republic continually prepared itself and received new families into its bosom as the old ones were destroyed.

“Perhaps in some future letter I will have occasion to prove to you that the more men there are in a state, the more commerce flourishes. I shall prove just as easily that the more commerce flourishes, the more the population increases. These two things help and encourage each other mutually, of necessity.”^{xix}

LS: Did someone of you say that this reminds them of the *Spirit of Laws*? And that is of course true. Did you want to say something?

Student: Is this sort of a mitigation of catastrophies, because he speaks of catastrophies, and then he speaks of nature working slowly, and then in letter 115, that commerce aids in mitigating these catastrophies.

LS: That was made clear by Mr. Shulsky. I believe. That in the meantime, while the going is good, you can achieve an enormous increase in human wealth and so on. That is compatible with the fact that at the end a cataclysm will come again. Just as we know that as individuals we are going to die, and it does make any difference how we live in the meantime, say in poverty or in wealth, in sickness or in health, in decency or indecency. It does make¹⁴ [a] difference. The same could be true also of a so-called civilization, that while it is perishable, it makes a difference how it was as long as it lasted. Could one not say that?

Student: And commerce isn't a barrier against this, or a mitigation—

LS: No, no, commerce is obviously something good. Depopulation is something bad; increase in population is something good, and increase in population goes hand in hand with the increase in commerce—I mean the point developed more fully in the *Spirit of*

^{xviii} In original: “In this way they filled their house with servants of both sexes and all ages, and filled the state with countless people.”

^{xix} *Persian Letters*, CXV, 210–11.

Laws. Now he continues this argument. Now comes the anti-Christian argument, i.e., their attack on divorce. Let us read the beginning of this letter.

Reader: “Up until now we have spoken of Moslem countries, and sought a reason why they were less populated than those subjected to the domination of the Romans. Let us now examine what produced the same effect with the Christians.

“Divorce was permitted in the pagan religion, and forbidden among the Christians. This change, which at first seemed of such little importance, imperceptibly led to consequences so terrible that it was difficult to believe them.

“Thus not only was its sweetness taken away from marriage, but its very end as an institution was threatened. By wanting to tighten its bonds, they loosened them, and instead of bringing hearts closer together as they claimed, they separated them forever.

“Into such a free action, where the heart should play so important a role, restraint, necessity, and the very fatality of destiny were introduced. Repulsion, whim, and the anti-sociality temperament were counted for nothing. They tried to stabilize the heart—which is to say the thing in human nature was is the most variable and inconstant. People, burdened one with the other and almost always badly matched, were tied together irretrievably and without hope. They acted after the manner of those despots who would tie live men to dead bodies.”^{xx}

LS: Now the question is here this. The case for divorce. Incompatible people shouldn’t be kept together. But he goes beyond that. The heart—they must love each other from the heart. And the heart cannot be controlled, or cannot be fixed, because it is the most variable and inconstant thing in the world. Now this leads of course much beyond the primary aim of Montesquieu, namely the right of divorce, because people can fall in love easily two years after they got married, and so if this is not strongly counteracted by the morals of a community, this will of course have the effect which it frequently has in our time.

Generally speaking, can one build any institution on the heart, precisely if it has this quality?¹⁵ [Was this] older view which did not regard a marriage as a love affair in the first place, I mean love affair in the present-day sense of the term, was it not a wiser view? These are questions which Montesquieu does no longer raise, they are settled for him. That is part also of his liberalism. The heart versus institutions; that is another part of the same story. The transperson, imperson, or whatever you call it, has a lesser dignity than the heart, the heart of the individual with all its vagaries of course.

^{xx} In original: “Into such a free action, where the heart should play so important a role, restraint, necessity, and the very fatality of destiny were introduced. Repulsion, whim, and the anti-sociality temperament were counted for nothing. They tried to stabilize the heart—which is to say the thing in human nature was is the most variable and inconstant. People, burdened one with the other and almost always badly matched, were tied together irretrievably and without hope. They acted after the manner of those despots who had live men tied to dead bodies.” *Persian Letters*, CXVI, 212.

Student: This seems to be a little inconsistent with the other things that he said about the regulation of institutes in the light of the principle of the government, in that he would put it on a stronger ground that he would have criticized this as being against the central function rather than [of] the heart.

LS: Yes, I believe we would find no direct parallel to such utterances in the *Spirit of Laws*. He is not writing here as a legislator, you must not forget, or a teacher of legislators.

Student: He is also drawing the connection to, if the marriage is a happy one and there is love, there will be more children.

LS: But how can—you are perfectly right, except that this sentence “on which to fix the heart, that is to say, what is the most variable and inconstant in nature.” So if the heart has these great changes, then even the presence of children would not affect it too much. Surely there is a difficulty here.

Student: I don’t quite see that; it seems to me that everything that is regulated by the heart merely is a sad fact. Everything passes; friendship remains. Something can replace the passion of the heart. Reason can intervene—

LS: And what is the application of this observation to the problem of divorce?

Same Student: The possibility of freedom in a rational procedure could then settle the issue.

LS: Let us see whether this works, because also the implication that friendship will do where sex will desire is also involved.

Student: Why couldn’t that be interpreted as making divorce rather easy to attain? There would be quite a few changes in a marriage in the course of [an ordinary] person’s life,¹⁷ which would be much more able to keep up with the changes in the heart.

LS: But still this statement here about the heart, the most variable and inconstant thing in nature; this should by definition not be sufficient as a basis of marriage. That difficulty remains, but let us skip the next two paragraphs.

Reader: “If of two persons thus joined, one is unsuited to nature’s design in the propagation of the species, whether by physical constitution or by age, then this member of the couple buries the other along with himself, and makes the other just as useless as himself.”^{xxi}

^{xxi} In original: “If of two persons thus joined, one is unsuited to nature’s design and the propagation of the species, whether by physical constitution or by age, then this member of the couple buries the other along with himself, and makes the other just as useless as himself.”

LS: Here he speaks not of love or the heart, but of the purpose of marriage. The purpose of marriage is procreation, and the prohibition of divorce might counteract this purpose of nature. He speaks of the *dessein de la nature*, design of nature. That's a different consideration. A very different consideration.

Student: But he also seems to say unsuited for propagation by reason of temperament.

LS: But he refers here to how temperament or age affects procreation. Now the next paragraph.

Reader: "Thus it should not be surprising to see that so many marriages among Christians furnish so few citizens. Divorce is abolished; badly matched marriages are not patched up; women no longer pass along successively as they did with the Romans, through the hands of several husbands, who along the way, draw from them the best advantage possible.

"I dare to say it clearly: if, in a republic like Sparta, where the citizens were forever chafing under strange and subtle decrees and where there was only one family—the republic—if in this republic it had been established that husbands should change wives every year, a countless population would have arisen."

LS: This leads to the abolition of the family in the interest of procreation. If you have only one family in a whole state, you have no family obviously. That is in itself consistent, but leads to obvious difficulties which cannot have escaped Montesquieu. By the way, this question of procreation as the end—procreation of offspring and the bringing up of children—as the natural end of marriage leads to a difficulty apart from the question of divorce in the case of a childless marriage. And I believe this is the reason for Kant's very strange definition of marriage, namely, marriage is a lifelong contract for the mutual use of the sexual organs. It's very strange, and I suppose people would say Kant was a bachelor and so on, but that has nothing to do with it. I think Kant was trying to give a definition of universal validity. Since there are childless marriages, the upbringing of children could not be the end of marriage, and therefore he brought this atrocious definition of marriage.

Now let us read the next paragraph.

Reader: "It is rather difficult to make clear why the Christians were brought to abolishing divorce. Marriage in every nation of the world, is a contract susceptible to all the conventions; none of those should have been banished except some of those which might have weakened its aim. But Christians do not look at it in this light, and thus they find it difficult to say exactly what it is. They do not see it as consisting in sensual pleasure; on the contrary, as I have said, they seem to want to banish that aspect insofar as they can. It is for them rather an image, a representation, something mysterious that I don't understand at all." ^{xxii}

^{xxii} *Persian Letters*, CXVI, 212–14.

LS: Now this much about Christianity from this point of view. Now in the next letter there are points of great importance. Let us read the first two paragraphs.

Reader: “The prohibition of divorce is not the sole cause of depopulation in Christian countries. The great number of eunuchs they keep is of no less considerable cause.

“I am talking of the priest and dervishes, of both sexes, who vow themselves to eternal continence. With Christians, this is the virtue par excellence. And in this I cannot follow their reason, for I don’t know what kind of a virtue is a virtue from which there results nothing.”

LS: Here we have incidentally the explicit identification of the Christian clergy with eunuchs of which we have spoken before. It is no longer a guess. He had spoken first of population, and then he speaks in this context here of religion. Now let us look at again the *Spirit of Laws*. You may recall that the plan of Books 20-25, commerce, Books 20-22, population in 23, and religion in Books 24 and 25. So the connection here becomes clearer and more explicit than in the *Spirit of Laws*. Up to Book 19 the plan was clear—Book 19 deals with the national character as you may remember—why did he discuss national character prior to commerce, population, and religion? After all these also would seem to influence the national character. You remember we discussed this question perhaps in the last quarter. I believe I have an answer; whether it is good enough I do not know—namely that the national character is a natural phenomenon from Montesquieu’s point of view, though he wouldn’t deny that it is affected by the others, but fundamentally it is a natural thing, where it does not depend on the opinions and other variable things to which commerce, religion, and so on belong.

Now can we go on in Letter 117?

Reader: “I find that their learned doctors clearly contradict themselves when they say that marriage is sacred and that celibacy, which is the absolute opposite, is even more so. And this without mentioning that in the matter of precepts and fundamental dogmas the good is always the best.”

LS: Let us skip the next three paragraphs.

Reader: “I am speaking now only of Catholic countries. In the Protestant religion, everyone has the right to make children. This religion permits neither priests nor dervishes. If in its establishment, its founders, who brought everything back to primitive values, had not continually been accused of intemperance, there can be no doubt that, having made marriage a universal practice, they would have gone on to lighten the yoke still further and thus would have managed to remove the barrier that separates Nazarene and Moslem on this score.”

LS: He means of course the accusation that Luther had made the Reformation in order to marry a nun. So the Protestant countries are superior to the Catholic countries in this crucial point. I remind you only of the praise of England in the *Spirit of Laws*.

Reader: “However that may be, it is certain that religion gives Protestants an infinite advantage over Catholics.

“I shall dare to put it thus: in the present state of Europe, it is impossible for the Catholic religion to last another five hundred years.

“Prior to the humbling of Spanish power, the Catholics were much stronger than the Protestants. The latter have bit by bit managed to come to a position of equality. Protestants will continue to become richer and more powerful, and Catholics, weaker.

“Protestant countries should be, and in reality, are more populous than Catholic countries—”^{xxiii}

LS: And so on. What are the facts? I mean was not France the most populated country of Europe, at least when the French Revolution started in 1789. That was probably true also in Montesquieu’s time. So I don’t know what was the basis of these assertions. Do you have an idea, Mr. Mueller?

Mr. Mueller: The poverty of Italy and Spain, the evident decline of both countries—

LS: But in population figures. We learned in school that the most populated country in Europe was Belgium, and Belgium was a Catholic country.

Mr. Mueller: Most densely populated.

Another student: The rate of population growth in France has always been one of the lowest in Europe.

LS: Not always. In the eighteenth century it wasn’t true. France had 25 millions in 1789, and that was one reason why she could lick the rest of Europe . . . had much more soldiers.

Student: Maybe he’s thinking just in terms of the population density. You have examples like the Netherlands which was probably more densely populated than France, and certainly gave the impression of more active—

LS: I do not know what statistics, if any, he used.

Student: France always seemed to be underpopulated, because it is said that she could support more, although there is the argument that actually there should be fewer people. Is that the argument in the *Persian Letters* or have I seen that argument somewhere else recently, that France would be better off with fewer people, although at the same time it was evident that vast areas of France were cultivable and could support another population.

^{xxiii} *Persian Letters*, CXVII, 214–15.

Another Student: The depopulation with which Montesquieu is concerned and for which he attacks Catholic practices. The depopulation, if I am right historically, took place within 100 years of Montesquieu. Was the population of Europe growing—

LS: Well, in Germany the Thirty Years' War brought the population down very much, and there was a steady increase since. Now France didn't have a catastrophe of this kind and France was outdistanced by Germany I think only in the latter half of the 19th century in connection with the industrialization of Germany. But in 1789 France was the most populous country in Europe.

Student: The reason I'm bringing it up though is doesn't that say something about Montesquieu's attack on Catholic practices because they depopulate? If France is the most populated country of that time, then possibly he's not so much concerned with the population attacking the Catholic practices.

LS: Yes, but he attacks them on this ground. He could have found other reasons, but he attacks them on the ground of leading to depopulation.

Student: In other places he gives the impression that since commerce and population go together, and he certainly talks about the modern time as the time when commerce has become stronger and more far-reaching, and in a way he's simply saying that this is one of the restraints on population which are not necessary and which are harmful, but the general notion of progress certainly implies an increase in population.

Another Student: In another letter he makes the point that at the time of the Roman Empire, they had a great population in Europe and I think that is where he makes this comparison, between the time prior to the Christianity—

LS: Sure, but even here the question would be—one would have to raise the question whether the facts are correct, whether these millions who came from the north to invade the Roman Empire were rather small tribes, and I believe this is the view which they now have.

But let us turn now to Letter 119 which is also very important. The beginning:

Reader: "The fertility of a nation depends sometimes on the most insignificant circumstances in the world; and often only a new twist of imagination can make it much more populous than it was."^{xxiv}

LS: Now let us see what he understands by new twist of the imagination.

^{xxiv} In original: "The fertility of a nation depends sometimes on the most insignificant circumstances in the world; often only a new twist of imagination can make it much more populous than it was."

Reader: “The Jews, continually exterminated and continually reborn, have repaired their continual losses and destruction by the sole hope held by all their families—to see the birth of a powerful king who is master of all the earth.”

LS: So the twist here is a hope. Now in the next case.

Reader: “The ancient kings of Persia had so many thousands of subjects only because of the teaching of the Magi religion to the effect that the acts by which men can most please the Divinity are producing a child, tilling the soil, and planting a tree.”

LS: More literally translated, because of this dogma of religion of the Magi. So that is another twist of the imagination which influences population. At the beginning of the next paragraph he says, “If China—”

Reader: “If China nourishes such a teeming populace in her bosom, it is only the result of a certain way of thinking.”

LS: What now is called ideology. That is obviously what he is speaking about, but he doesn’t use this ugly word, as Churchill once called it. So here we have “ideologies” favorable to population, and the next paragraph.

Reader: “On the other hand, Mohammedan countries become daily more deserted because of an opinion which, however sacred it may be, is not without ruinous effects when once rooted in minds. We picture ourselves as travelers who should think only of another country—”^{xxv}

LS: Another fatherland. This means of course not only Islam but Christianity as well, the heavenly fatherland. This point is of some interest—this usage here. Population policies depend decisively on the opinions which men hold and which are of course subject to change.

In letter 121 in the third paragraph.

Reader: “The air is laden, as are plants, with particles of the earth of each country. This works on us in such a way that our temperament is thereby established.”^{xxvi}

LS: This is I think another confirmation of what I said before. Montesquieu tries to understand national character as naturally conditioned, and we have seen much more evidence of that in *Spirit of¹⁸ Laws*.

This all deals with population policies, and let us turn to Letter 122.

Reader: “Mildness of government contributes in a marvelous way to propagation of the species. All republics are a constant proof of this, and more than all the others,

^{xxv} *Persian Letters*, CXIX, 217.

^{xxvi} *Persian Letters*, CXXI, 219.

Switzerland and Holland, which is to say the worst countries in Europe if the nature of the terrain is taken into consideration. Yet they are the most populous.”

LS: Now a few paragraphs later.

Reader: “The same cannot be said of countries subjected to arbitrary power: the prince, the courtiers, and a few individuals possess all the wealth, while the others moan in extreme poverty.” ^{xxvii}

LS: So all these things hang together, and we have seen this connection in *Spirit of Laws* less clearly than here in these ten letters: religion, population, form of government, all these things—

The next letter is no longer to Rhedi, but is to a Muslim clergyman; and here Usbek proclaims piously about the defeat of the Muslims at the hands either of the Christians or of the heretics, in this case the Turks. This is a reminder again of this other side of the problem.

Let us turn to Letter 125.

Reader: “For every religion, there has always existed the embarrassing problem of giving some idea of the pleasures awaiting those who have lived well. One can easily terrify the wicked with a long list of threatened punishments. But as for the virtuous, it is not easy to know what to promise them. It seems that it is the very nature of pleasures to be of short duration; imagination finds it difficult to picture any others.” ^{xxviii}

LS: What is implied here and developed to some extent in the sequel is the problem of eternal bliss—can such a thing be? That is needless to say very important for the argument of the whole work.

Now Letter 129, and this deals again with political questions. Let us read the beginning.

Reader: “Most legislators have been men pushed by chance to leadership over others, limited men who have never consulted anything beyond their own prejudices and fancies.

“They seem not to have been aware of the very greatness and importance of their own work. Amusing themselves at establishing puerile institutions, they have conformed, to be sure, to little minds, but have been discredited by people with common sense.

^{xxvii} *Persian Letters*, CXXII, 222.

^{xxviii} *Persian Letters*, CXXV, 225.

“They have thrown themselves into useless details; they have bogged down in particulars—which is proof of a narrow mind capable of seeing things in detail only and not of embracing anything like a general view.”^{xxix}

LS: This very extreme attack on most legislators contradicts directly of course the statement, the seemingly contradictory statement, at the beginning of the *Spirit of¹⁹ Laws*, where he seems to suggest that most laws are reasonable, i.e., the work of reasonable men. The truth is of course—the true view is closer to what he says here, than what he seems to say at the beginning of the *Spirit of²⁰ Laws*. Read the sequel please.

Reader: “Some of them have had an affectation of language other than using the vernacular—an absurd practice for a lawgiver. How can laws be observed if they can’t be understood?”

“Sometimes they have unnecessarily abolished laws already in force, that is to say, they have thrown the masses into the inevitable disorder accompanying change.”

LS: “The peoples.” Why does he say “masses,” this physical expression?

Reader: “It is true that out of a singularity arising more from out of man’s nature than from his mind, it is sometimes necessary to change certain laws. But the case is a rare one, and when it does happen, the law should be touched only with trembling hand. So much solemnity and so many precautions should be brought to bear that the people naturally conclude that laws are sacred, since so much formality is needed to change them.”

LS: That is entirely visible in the *Spirit of the Laws*.

Student: 29—on legislators, practically all the prescriptions.

LS: When he speaks of the French. Skip the next paragraph.

Reader: “It must be admitted that some legislators have shown a concern that bears testimony to much wisdom: to wit, they have granted fathers a great authority over their children. Nothing can be so helpful to the magistrate; and nothing can clean out the courts so well; nothing, in fine, can bring so much calm into a state where morals always make better citizens than laws.”^{xxx}

^{xxix} In original: “They have thrown themselves into useless details; they have bogged down in particulars—which is proof of a narrow mind capable of seeing things only in detail and not of embracing anything like a general view.”

^{xxx} In original: “It must be admitted that some legislators have shown a concern that bears testimony to much wisdom: to wit, they have granted fathers a great authority over their children. Nothing can be so helpful to the magistrate; nothing can clean out the courts so well; nothing, in fine, can bring so much calm into a state where morals always make better citizens than laws.” *Persian Letters*, CXXIX, 231–32.

LS: And he thinks here of course of the *pater potestas*, of the fatherly power in Roman law.

Student: Does there seem to be any contradiction with this and the possible breakdown of the family with the relaxed divorce laws?

LS: Yes, well, there can be the possibility of divorce without any laxity, that is possible. But the difficulty is only the principle to which Montesquieu refers, the heart as the basis of marriage—this is incompatible with the broad statesman-like rule of marriage, but not divorce itself. The Romans after all were good as statesmen, the republican Romans, and they permitted divorce. So this would not settle it.

Student: At the end of this letter, where he says that the French didn't keep this fatherly power and took a lot of things from the Roman law that were useless or even worse; and this is I think a direct contradiction to what he says in the *Spirit of the Laws* where he says that paternal power is a very good idea in a republic where the morals have to be kept very pure and very strict, but that one of the relaxations that is possible in a monarchy is that you don't have to have this type of fatherly power. Maybe this is just an indication that Usbek really hasn't understood a lot about France and the way a monarchy should operate.

LS: What is the precise difference? I didn't quite follow you.

Student: In the last paragraph—

LS: "The French have not taken over the fatherly power."^{xxx}

Student: In the *Spirit of the Laws*, I forget exactly where—he uses this example, paternal power, but as a way of showing the difference between the stern republic where you should have fatherly power and a monarchy where this is a bad idea, and he says that the French in essence were right for not having taken this Roman law.

LS: Let me see. Was this one of the last books?

Student: No, it's toward the beginning. Book 5, Chapter 7.

Another Student: That is the power of life and death over children.

LS: That is a part of the Roman *pater potestas*. Regarding this question of love as the basis of marriage, I have been re-reading the novels by Jane Austen, which I like very much, and I was this time struck more than time before by the fact that in her view, or at least in the view of her heroines, a truly decent girl, moral girl, would never marry except if she loves the man. Otherwise the morality is —many passages which could be wonderfully used in a commentary on Aristotle's *Ethics*, very well, but this is of course something which is not Aristotelian. I don't say it contradicts him—but come to think of

^{xxx} *Persian Letters*, CXXIX, 232. Strauss's own translation.

it one can safely say it contradicts him, if you think of his beautiful plan in the *Politics*—a man of 45 should marry a girl of 18, so that they reach the end of the procreation period more or less at the same time. Was it 45?

Student: 37.

LS: 37. I'm sorry; that's not so bad. It is interesting that Jane Austen who is such a very sober novelist—

Student: If I recall that's precisely the age of Colonel Bradlee in *Sense and Sensibility*—

LS: Yes, that's—

Student: He's rather decrepit, isn't he?

LS: Yes, he's much older than she, that's true. Ordinarily I think the difference is about 25 and 21.

Student: But the heroines of Jane Austen having free choice, it is really quite proper that they should not be inclined by 20,000 pounds—

LS: No, no, that's quite true. That is probably the practical alternative to marriage. Marriages arranged by aunts and parents perhaps on the basis of very practical considerations—property matters rather than the human beings.

Student: And somehow in Jane Austen's books, love is never such a variable matter that one couldn't—

LS: No, no, that is understood. I mean they all end with this notion, and they lived happily ever after. There is no possibility—that there could be any problems in these perfectly matched marriages is excluded by a noble silence, that's quite true.

Now next time we will discuss the rest of the *Persian Letters*.

¹ Deleted "perhaps."

² Deleted "all."

³ Deleted "and."

⁴ Deleted "especially."

⁵ Deleted “is.”

⁶ Deleted “and.”

⁷ Deleted “the.”

⁸ Deleted “would.”

⁹ Moved “have.”

¹⁰ Moved “than I do.”

¹¹ Deleted “seen.”

¹² Deleted “is.”

¹³ Deleted “He.”

¹⁴ Deleted “any.”

¹⁵ Deleted “This is the.”

¹⁶ Deleted “the.”

¹⁷ Changed from “an ordinary marriage in the course of a person’s life.”

¹⁸ Deleted “the.”

¹⁹ Deleted “the.”

²⁰ Deleted “the.”

Session 16: May 18, 1966

And this is a letter for which we are well prepared by the *Spirit of Laws*. Let us read the beginning of that Letter 131:

Reader: “[Rhedi to Rica in Paris:]

“One of the things that most peaked my curiosity when I first came to Europe was the origin and history of republics. Do you know that most Asiatics haven’t the slightest idea of this kind of government, and their imagination has never served to help them understand that governments other than despotisms can exist on this earth.

“The first governments we know about were monarchies. It was only by chance, and through the succession of centuries, that republics were formed.”

LS: Skip the next paragraph, and toward the end of the following one.

Reader: “These three colonies carried along with them the spirit of freedom which they had imbibed in that sweet country. Thus in primitive times, monarchies were scarcely to be found in Italy, Spain, and Gaul. You will soon see that the northern peoples and the Germans were no less free. If some vestige of royalty could be found among them, it is because army chieftains are heads of republics and were taken for kings.”ⁱ

LS: Skip the next two paragraphs. “It seems that freedom was made for the genius of the peoples of Europe and slavery for that of the peoples of Asia.” And a little later on—“an infinity of unknown nations came out from the North and spread like torrents in the Roman provinces. These peoples were free and they limited the authority of their king so much that the kings were strictly speaking not more than leaders or generals.”ⁱⁱ There are similar considerations at the end of this letter. In brief, that is as we all know one of the main points of the *Spirit of Laws*.

There is a sequel of letters starting in 133 about libraries and books in general. We cannot read this all. Let us turn to Letter 135 and read the third paragraph.

Reader: “Here are the metaphysical books, which treat of such great matters, in which infinity is everywhere to be found; then here are the books of natural philosophy which are—”

ⁱ In original: “These three colonies carried along with them the spirit of freedom which they had imbibed in that sweet country. Thus in primitive times, monarchies were scarcely to be found in Italy, Spain, and Gaul. You will soon see that the northern peoples and the Germans were no less free. If some vestige of royalty could be found among them, it is because army chieftains or heads of republics were taken for kings.” *Persian Letters*, CXXXI, 235–36.

ⁱⁱ *Persian Letters*, CXXXI, 236–37. Strauss’s own translation.

LS: “Physics.” Why does he translate—

Reader: “And here are the books of physics, which find nothing more miraculous in the vast universe than exists in the simple machine of our artisans.”ⁱⁱⁱ

LS: Great interests are at stake in metaphysics. The infinite is there¹ encountered everywhere, i.e., what surpasses² human understanding, in radical difference to physics; and “physics finds nothing more marvelous in the economy of the vast universe than the simplest machine of our artisans.”^{iv} This physics in other words is a debunking science, we can say. And that was so from the very beginning, when you see the way in which so-called pre-Socratic physics is presented in Aristophanes’ *Clouds*. The main point also is that all these marvels prove to be very elementary things. And of course in a comedy that is slightly exaggerated, but the spirit is nevertheless noticeable. A thunderstorm has the same principle as an upheaval in one’s stomach if one has eaten too much. This of course became much more powerful in modern times. There are no marvels; there are no mysteries; there are at most unsolved problems. We know this today very well.

136—he’s still speaking of books in the sixth paragraph.

Reader: “Here are the historians of England, where again and again liberty can be seen arising from the fires of discord and sedition. Here the prince is ever tottering on an unshakeable throne. Here you can see an impatient nation, wise in its very fury, which, having become mistress of the seas (a thing never before seen), mixes commerce with empire.”^v

LS: Here there is perhaps a stronger emphasis than we have encountered in the *Spirit of Laws* on the fact that the best solution stems from the fires of discord and sedition. A point made by Machiavelli near the beginning of his *Discourses*: Rome was superior to all other states because of the constant conflict and turmoil between the patricians and the plebeians.

Letters 138 and 139 are the last letters to Ibben, but not by Usbek but by Rhedi. I cannot find anything particularly important in these letters.

We turn to Letter 141. This is distinguished from most of the other letters because it includes a story, a story which Rica has translated from the Persian for the use of a curious French lady. Now this story is told by a woman called Sulema, a very learned and marvelous woman. Now let us begin with the second paragraph of that history of Ibrahim.

ⁱⁱⁱ In original: “And here are the books of physics, which find nothing more miraculous in the vast universe than exists in the simple machine of our artisans.” *Persian Letters*, CXXXV, 242.

^{iv} *Persian Letters*, CXXXV, 242. Strauss’s own translation.

^v *Persian Letters*, CXXXVI, 244.

Reader: “One day when she was with her companions in one of the seraglio rooms, one of them asked her what she thought of the life hereafter and if she had faith in that old tradition of our doctors to the effect that paradise was made only for men.”

LS: I asked Mr. Mahdi^{vi} to be sure. That is maybe a tradition, it’s surely not the official teaching of Islam, that women have no share in paradise. And the prophet’s daughter, Fatima, is praised somehow as a leading woman in paradise or something of this kind, so we must not accept everything that Montesquieu says about these matters as literally true.

So let us skip the next paragraph and then go on.

Reader: “These injurious notions have no other origin than the pride of men, who like to elevate their superiority even above the limits of their lives, and who cannot believe that on the great day, all creatures will appear as naught before God, without any other prerogatives save those based on virtue.”

LS: This is intelligible; he makes this kind of argument so often that we are no longer surprised by it. The superiority of men, and especially such a superiority, can have no other basis but men’s pride. In truth the two sexes are equal; and the only difference can be that if a woman is more virtuous than a man, then she is of course superior to him, even if she is a woman.

Now let us read the next paragraph.

Reader: “God shall not limit himself in his rewards. Just as men who have lived well and have used well their dominion over us below will be in paradise filled with such celestial and ravishing beauties that if a mortal were to see them, he would kill himself immediately in his haste to enjoy them,so, too, will virtuous women go to a place of delights, with divine men assigned to their pleasure.”^{vii} Each of them will have a seraglio in which the men will be shut up, and with eunuchs even more trustworthy than ours to guard them.”

LS: You see what becomes of the equality—the turning around of the inequalities. “I have read,” she added, “that a man called Ibrahim was of an unbearable jealousy. He had

^{vi} Muhsin Mahdi (1926–2007), scholar of medieval Arabic philosophy and philology; studied under Leo Strauss at the University of Chicago in the Committee on Social Thought; Professor at University of Chicago and Harvard University; author of *Ibn Khaldun's Philosophy of History* (1957), *Alfarabi and the Foundation of Islamic Political Philosophy* (2001), and edited manuscripts of Alfarabi and *The Thousand and One Nights*.

^{vii} In original: “God shall not limit himself in his rewards. Just as men who have lived well and have used well their dominion over us here below will be in paradise filled with such celestial and ravishing beauties that if a mortal were to see them, he would kill himself immediately in his impatience to enjoy them,so, too, will virtuous women go to a place of delights, with divine men assigned to their pleasure.”

twelve extremely beautiful women whom he treated in a very harsh manner.”^{viii} So this is then this Ibrahim. Now what happened to him—next paragraph.

Reader: “One day, when he had called them all together in a room of the seraglio, one of them more daring than the others reproached him for his bad character. ‘When a man looks so hard for ways of making himself feared,’ she said, ‘he always manages to fall first and foremost on ways of making him hated.’^{ix} We are so unhappy that we cannot help desiring a change. Other women, in my place, would wish for your death; I wish only for my own, and even if I can only hope to be separated from you only by that, they will still be sweet to me to be so separated.’ This speech, which should have touched him, made him burst into ferocious anger, and he drew his dagger, and plunged it into her breast.^x ‘My dear companion,’ she said in a dying voice, ‘if heaven takes pity on my virtue, you will be avenged.’ With those words, she left this unhappy life and went on the sojourn of delight, where women who have lived well revel in ever-renewed happiness.”

LS: Now this happiness is described as where some wonderful men are always at her disposal and she goes from one pleasure to another. We don’t have to read that. Now let us skip 7 paragraphs.

Reader: “She had been in that happy abode over a week, ever beside herself with joy, and had not taken the time to make a single reflection on all this.”^{xi}

LS: She had such immense pleasures all the time that she had no time to think.

Reader: “She had enjoyed happiness without knowing it, without having had a single one of those calm moments in which the soul makes an accounting, so to speak, and gives ear to itself in the silence of passion.

“The blessed have pleasures so lively that they can rarely enjoy this freedom of thought. That is why, attached as they are uncontrollably to present objects, they lose utterly any memory of things past and have no longer any care for what they knew or loved in other lives.”^{xii}

“But Anais, whose mind was truly philosophic, had passed almost her whole life in meditation.”

^{viii} *Persian Letters*, CXLI, 250. Strauss’s own translation.

^{ix} In original: “‘When a man looks so hard for ways of making himself feared,’ she said, ‘he always manages to fall first and foremost on ways of making himself hated.’”

^x In original: “This speech, which should have touched him, made him burst into ferocious anger. He drew his dagger, and plunged it into her breast.”

^{xi} In original: “She had been in that happy abode over a week and ever beside herself with joy, and had not taken the time to make a single reflection on it all.”

^{xii} In original: “That is why, attached as they are uncontrollably to present objects, they lose utterly any memory of things past and have no longer any care for what they knew or loved in their other life.”

LS: This woman, you know, who had been murdered by this abominable husband.

Reader: “She had developed her reflections much further than one would expect of a woman left to herself. The austere retreat in which her husband had made her live had left her that sole advantage. It was that force of mind that made her scorn both the fear that obsessed her companions, and death, which was to signal the end of her troubles and the beginning of a felicity.

“Thus, she abandoned bit by bit the intoxications of her pleasures and shut herself up, alone, in an apartment of her palace. She allowed herself to proceed to very sweet reflections on her past lot and her present felicity. She could not keep from sympathizing with the unhappiness of her erstwhile companions: one is sensitive to torments shared with others. Anais did not limit herself to simple expressions of compassion, and ever more tendered her feelings towards those unfortunate women, and she felt drawn to come to their help.^{xiii}

“She gave the order to one of the young men near her to take on the likeness of her husband, to go into the other seraglio, and make himself master there, and to expel the other man, and to remain in his place until she recalled him.”

LS: Now this is then described, and this was of course a terrific success. The false Ibrahim sent from above is far superior in every respect to the true Ibrahim. We might perhaps read a little bit—skip the next two paragraphs.

Reader: “If you are not Ibrahim, it is enough for us that you have deserved so well to be. You are more Ibrahim in one day than he has been in ten years.’ — ‘You promise me, then,’ he replied, ‘that you declare yourselves for me and against that impostor?’^{xiv} — ‘Have no doubt of it,’ they said in one voice. ‘We swear eternal fidelity to you. We have been too long abused. The traitor has not even sensed our virtue; he sensed only his own weakness. We can clearly see that men are not made like him; it’s you most likely they resemble. If you knew how much you make us hate him!’ — ‘Ah, then I shall give you new causes for hatred,’ said the false Ibrahim. ‘You are not yet aware of all the wrong he did you.’ — ‘We judge his injustice by the magnitude of your vengeance.’ — ‘Yes, you are right,’ agreed the divine man. ‘I have fit the punishment to the crime. I am very happy that you are satisfied with my method of punishment.’ — ‘But,’ said the women, ‘if that impostor comes back, what shall we do?’ — ‘It would I think be difficult for him to deceive you,’ he replied. ‘In the position I occupy with you, a man can’t keep pulling up roots in any case.’^{xv} In any case, I shall send him so far away that you will never hear him

^{xiii} In original: “She could not keep from sympathizing with the unhappiness of her erstwhile companions: one is sensitive to torments shared with others. Anais did not limit herself to simple expressions of compassion. Ever more tendered her feelings towards those unfortunate women, she felt drawn to come to their help.”

^{xiv} In original: “‘If you are not Ibrahim, it is enough for us that you have deserved so well to be. You are more Ibrahim in one day than he has been in ten whole years.’ — ‘So you promise,’ he continued, ‘that you declare yourselves for me and against that impostor?’”

^{xv} In original: “‘In the position I occupy with you, a man can’t keep pulling up roots.’”

spoken of again. From now on I shall take upon myself the burden of your happiness. I shall not be jealous. I shall be able to trust you without embarrassing you. I have a good enough opinion of my worth to think that you will be faithful to me. If you were not virtuous with me, with whom could you be?’

“This conversation lasted for a long time between him and the women, who were more struck by the difference between the two Ibrahim, than by any resemblance ever dreamed of insisting upon the clarification of so many marvels.^{xvi} Finally the desperate husband returned to bother them again. He found his whole house in joy, and his wives more incredulous than ever. The stronghold was impossible for a jealous man to hold. He left in a fury, and a moment later the false Ibrahim followed him, seized him, and transported him through the air, and abandoned him two thousand leagues away.”^{xvii}

LS: All right, so the whole thing has a happy ending.

Student: No, he doesn’t.

LS: But what does he find there?

Student: There were 36 children.

LS: In 3 years—you know there were twelve women. So each had a baby a year. But still in the main it was a wonderful time, they will doubtless say, and to that extent you can speak of a happy ending.

This passage when he says, ‘if you are not virtuous with me; with whom would you be?’ The virtue of the women depends on the virtue of the men. The question is whether virtue has the same meaning in both cases. I mean you remember Machiavelli’s use of the term *virtù*, virtue; it sometimes means of course the same as what it ordinarily means, but it can also mean the qualities which make Cesar de Borgia and other people such effective people. Here there is a similar ambiguity regarding virtue. If you are not virtuous with me, he says, with whom would you be? He has a peculiar virtue. One can say his virtue is experienced by the women, whereas the virtue of the true Ibrahim was only believed in; and therefore he found [all] the house in joy—I mean the true Ibrahim—and his women more incredulous than ever. But I don’t have to labor this point. And I apologize to the lady that we have to read this passage in her presence. But I think in our age and time this is no longer what it would have been in former times.

The next letter, 142, looks like 141. There is first a letter and then a story inserted, a fragment of an ancient mythologist. Well, we don’t have to read it. It is simply a

^{xvi} In original: “This conversation lasted for a long time between him and the women, who, more struck by the difference between the two Ibrahim, than by any resemblance, never dreamed of insisting upon the clarification of so many marvels.”

^{xvii} *Persian Letters*, CXLI, 255-56.

presentation of the famous financial system of Law.^{xviii} You know this great speculation, and we can perhaps read only the beginning, so you have an inkling of what is going on.

Reader: “On an island near the Orcades, a child was born whose father was Aeolus, god of the winds, and his mother a Caledonian nymph.”^{xix}

LS: In other words, he was a scotchman. And his father was the god of the winds, the most windy scheme which was ever invented. We cannot read that; it would take us too long. He is called the son of Aeolus, all of the time, of the god of the winds.

Number 143, let us read the beginning.

Reader: “Rica to Nathaniel Levi, Jewish doctor, at Leghorn:

“You ask me what I think of the value of amulets and the power of talismans. Why do you turn to me? You are a Jew and I am a Moslem—which is to say we are both quite credulous.

“I always carry on my person over two thousand passages of the Holy Koran. I tie to my arms little packages on which are written the names of over two hundred dervishes; the names of Ali, of Fatima, and all the Pure Ones are hidden in more than twenty places in my clothing.”^{xx}

“And yet I cannot disprove of those who reject the efficacy of certain words. It is much more difficult for us to refute their rationalizations than it is—”

LS: Oh, rationalizations—that is a crime. Who did that? No, when was this translation made? Rather recently.

Student: The last few years—1961.

LS: Yes, that sounds like it. “Reasonings,” incredible. What is the name of that monster?

Student: Loy. J. Robert Loy.

LS: I see. I never heard of him. Terrible. Go on—the next paragraph.

^{xviii} John Law (1671–1729), Scottish economist, French Controller General of Finances under King Louis XIV; responsible for the famous financial bubble and collapse caused by The Mississippi Company, a consolidation of Louisiana trading companies into a single monopoly. This scheme ended in 1720 with the collapse of the Banque Generale and the Company.

^{xix} In original: “On an island near the Orcades, a child was born whose father was Aeolus, god of the winds, and his mother a nymph of Caledonian.” *Persian Letters*, CXLII, 258.

^{xx} In original: “I always carry on my person over two thousand passages of the Holy Koran. I tie to my arms little packages on which are written the names of over two hundred dervishes; the names of Ali, Fatima, and all the Pure Ones are hidden in more than twenty places in my clothing.”

Reader: “I carry all these holy rags about through long habit, in order to conform to general practice. I believe that if they possess no more virtue than rings and other jewelry with which most people adorn themselves, they have no wit less. But you, you place all your trust in a few mysterious letters. Without that precaution, you would live in constant fright.”

LS: So in other words, the enlightened Rica carries amulets and so on around him, but without believing them in any manner. Now let us look a little bit later, about ten paragraphs later.

Reader: “Although holy books of all nations are filled with these frenzied and supernatural terrors, I can imagine nothing so pointless, because in order to be sure that an effect, capable of being produced by a hundred thousand causes, is supernatural, one would have to examine first whether any one of these causes had not operated—and that is impossible.”^{xxi}

LS: One would not recognize the importance of this argument from this brief reference. There were two ways of argument used regarding miracles in the 17th and 18th centuries. One is, which you find rarely, the impossibility of miracles. Miracles are impossible because they would imply a change in God’s will or whatever they use. And the other is that miracles are not knowable as such. That’s here. You would have to exclude all these in order to be sure that this is a miracle. You would have to exclude all possibilities of natural occurrences, and that is an infinite subject. Or, stated in a somewhat different way, our knowledge of nature is still incomplete, and we do not know what nature could bring about. Therefore we must postpone any decision as to events are miraculous until natural science would have been completed, which means *sine die*. Of course it is clear that if miracles are not knowable, then they are not possible, because then they would be futile acts of God, and unbecoming a wise being. Well, that’s a very rough sketch. Yes?

Student: You mean they would still serve their function of impressing people.

LS: Yes, but they would only impress people to the extent to which they are not properly cautious, properly rational. Then the question arises, does God address chiefly such people—although they are the majority of men. Long arguments. I only thought I should mention this point, also for the understanding of the *Persian Letters* as a whole.

Here again you see that this letter of Rica to Levi includes another letter, from the provinces to Paris, poking fun at the strange medicine which the medicine of our age will look similarly to people reading in 100 years.

Student: I am wondering if this could be the unknown to whom Rica has been writing all along. They seem to be good friends, calls him by his first name.

^{xxi} *Persian Letters*, CXLIII, 260–62.

LS: I do not know. I think he takes here the Jews as particularly credulous people. He has some reference to Jewish secret law, Kabbalah, and so on. I do not know.

Student: One would have to compare the subjects.

Another Student: I hesitate to make much of one sentence, but he begins one paragraph, six, by saying what an arrangement of certain letters might produce. The pun would be the same in French as in English. He's speaking of amulets, but an arrangement of letters which refers to the whole *Persian Letters*.

LS: I see. This is too thin a basis, but perhaps you will find some other argument.

Now letters 144 and 145 deal with scholars, and men of wit. In 145 there is also a letter inserted into the letter which you see. 146 is in a way the last letter from Usbek to Rhedi, the last letter dealing with any substance of Europe in particular, here³ the minister of a king, what his functions and duties are.

And now then comes the big conclusion, of action, in letters 147 to the end. The rebellion in Usbek's own seraglio. We might read perhaps Letter 148. Mr. Roos?

Mr. Roos: Some of the letters from Persia to Usbek say from the seraglio of Ispahan, and others say from the seraglio of . . . for instance.

LS: Where for instance?

Student: Letter 152 is also to Usbek from the seraglio, but it says from the seraglio—

LS: But I believe this is explained because they left the seraglio and went to another place.

Student: But that occurs at the beginning also.

LS: Well, this is one of the many questions which we would have to go into. Let us read now Letter 148.

Reader: "Usbek to the first eunuch, at the seraglio at Ispahan:

"Receive with this letter unlimited power over the entire seraglio."

LS: He had asked for that power in the preceding letter.

Reader: "Command with the same authority as myself. May fear and terror walk with you; run from apartment to apartment bearing punishment and correction; and the whole

seraglio live in consternation, and let everyone melt in tears at your approach.^{xxii} Question the whole seraglio; start with the slaves. Do not spare my love; let everything undergo your fearsome jurisdiction. Bring out into the light of day the most hidden secrets. Purify that infamous spot, and cause exiled virtue to return. For, from this moment hence, I place on your head the least infraction which may be committed. I suspect Zelis being the one to whom the letter you intercepted was addressed; look into this matter with the eyes of a lynx.”^{xxiii}

LS: Yes, so this is the situation. Now in Letter 151 the eunuch writes to him that Roxane alone has remained within her duty and preserves female modesty.

Now we turn to letter 156 where Roxane herself, the most virtuous of all his women, writes to Usbek.

Reader: “Horror, darkness, and fright reign in the seraglio. A terrible mourning surrounds us. A tiger constantly exerts his full rage. He has put two white eunuchs to the torture, and they have confessed nothing but their innocence. He has sold a part of our slaves and forced us to exchange among ourselves those who remain. Zachi and Zelis, have received in the dark of night, have received shocking treatment in their bedchambers. Sacrilege did not hesitate to lay base hands upon them. He keeps each of us closed up in our apartment, and although we are all alone there, he makes us live under the veil. We are no longer allowed to speak to each other, and it would be a crime for us to write to each other, and the only thing remaining free to us is our tears.”^{xxiv}

“A company of new eunuchs has come into the harem; they assail us day or night. Our sleep is continually interrupted by their real or pretended suspicions. What consoles me is that all this will not last long, and that my sorrows will end with my life. The life will not be long, cruel Usbek!”^{xxv} I shall not grant you the time to have all these outrages stopped.”^{xxvi}

LS: And now let us turn to Letter 159, a letter from that eunuch again, paragraph four.

^{xxii} In original: “Command with the same authority as myself. May fear and terror walk with you; run from apartment to apartment bearing punishment and correction. May the whole seraglio live in consternation. May everyone melt in tears at your approach.”

^{xxiii} *Persian Letters*, CXLVIII, 270–71.

^{xxiv} In original: “Horror, darkness, and fright reign in the seraglio. A terrible mourning surrounds it. A tiger constantly exerts his full rage. He has put two white eunuchs to the torture, and they have confessed nothing but their innocence. He has sold a part of our slaves and forced us to exchange among ourselves the women who remain. Zachi and Zelis, in the dark of night, have received shocking treatment in their bedchambers. Sacrilege did not hesitate to lay base hands upon them. He keeps each of us closed up in her apartment, and although we are all alone there, he makes us live under the veil. We are no longer allowed to speak to each other, and it would be a crime for us to write to each other. The only thing remaining free to us is our tears.”

^{xxv} In original: “That life will not be long, cruel Usbek!”

^{xxvi} *Persian Letters*, CLVI, 276.

Reader: “Roxane, proud Roxane! O Heaven! Whom can one trust from now on! You suspected Zelis and were completely sure of Roxane. But her savage fidelity was a cruel deception. It was the veil of her betrayal. I caught her in the arms of a young man, who attacked me as soon as he realized that he was discovered. He inflicted two dagger wounds on me. The eunuchs, alerted by the noise, surrounded him. He defended himself for a long time and wounded several of them⁴. He even wanted to go back in the bedchambers, to die,, before Roxane’s eyes. But finally, however, he had to give up to our strength, and he fell at our feet.”^{xxvii}

LS: Let us now read the last letter of Roxana, the most trustworthy and most virtuous of all his wives.

Reader: “Yes, I have deceived you. I seduced your eunuchs. I took advantage of your jealousy, and out of your horrible harem I managed to make a place of pleasure and delight.

“I am going to die; for poison will soon pour through my veins. For what have I to do here for the only man who held me to life is no more?”^{xxviii}

LS: Namely her lover.

Reader: “I am dying, but my shade will not fly off unaccompanied. I have sent ahead me those sacrilegious guardians who have spilled the loveliest blood in the world.

“How could you have thought that I was naive enough to imagine that I was put into the world only to endure your whims? That while you were pampered yourself with everything, you had the right to mortify all my desires? No! I might have lived in servitude, but I have always been free. I have written your laws after the laws of nature, and my spirit has ever sustained itself in independence.”^{xxix}

^{xxvii} In original: “Roxane, proud Roxane! O Heaven! Whom can one trust from now on! You suspected Zelis and were completely sure of Roxane. But her savage fidelity was a cruel deception. It was the veil of her betrayal. I caught her in the arms of a young man, who attacked me as soon as he realized he was discovered. He inflicted two dagger wounds on me. The eunuchs, alerted by the noise, surrounded him. He defended himself for a long time and wounded several of them^{xxvii}. He even wanted to go back in the bedroom, to die, he said, before Roxane’s eyes. Finally, however, he had to give up to our strength of numbers, and he fell at our feet.”
Persian Letters, CLIX, 278.

^{xxviii} In original: “I am going to die; poison will soon pour through my veins. For what have I to do here since the only man who held me to life is no more?”

^{xxix} In original: “I am dying, but my shade will not fly off unaccompanied. I have sent ahead of me those sacrilegious guardians who have spilled the loveliest blood in the world. How could you have thought that I was naive enough to imagine that I was put into the world only to endure your whims? That while you pampered yourself with everything, you had the right to mortify all my desires? No! I might have lived in servitude, but I have always been free. I have rewritten your laws after the laws of nature, and my spirit has ever sustained itself in independence.”

LS: Yes, that is important—that is one of the few mentions of the laws of nature here. This was a wholly cruel unnatural order, the seraglio, and she reformed these merely positive, man-made laws.

Reader: “You should continue to be thankful to me for the sacrifice I have made to you, thankful that I lowered myself to the point of seeming faithful, thankful because I kept in my cowardly heart all that I should have proclaimed to the whole world.^{xxx} Finally, you should be thankful that I have dared profane the name of virtue by allowing submission to your fancy to be called by that name.”

LS: In other words, another very important implication of life in the seraglio is that one must conceal one’s thoughts, and⁵ must pretend to be satisfied, or to love, what one hates and what one truly does not love.

Reader: “You were surprised not to find me in the transports of love. If you had known me well, you would have found there all the violence of hate.

“But for a long time you have had the good fortune to believe that a heart like mine was submissive to you. We were both fortunate; you thought I was deceived, and I was deceiving you.

“My language, no doubt, seems new to you. Could it be that after having overwhelmed you with sorrow, I could even yet force you to admire my courage? But it is finished. Poison consumes me. My strength is leaving me. The pen falls from my hand. I feel even my hate grow weaker. I am dying.”^{xxxi}

LS: Now this new language; that’s the language of the revolution. But here the revolutionary can only kill herself, but one doesn’t know what example she gives to others—and especially if we think that this story of the seraglio is only an image of the true problem in Europe, France in particular. And it reads like an announcement of a revolution. The eunuchs and their master will be expelled, and the law of nature will be established. That Montesquieu did not mean it in such a simple way, that goes without saying, but it is an ingredient of his teaching. Yes?

Student: Does this go back to his earlier remarks about the heart being held captive, and would he make a blanket statement about marriage in general, a blanket statement of the dogma of the Catholic Church which holds marriage to be sacred—this sort of harks back to the heart cannot be held captive.

^{xxx} In original: “You should continue to be thankful to me for the sacrifice I have made to you, thankful that I lowered myself to the point of seeming faithful to you, and thankful because I kept in my cowardly heart all that I should have proclaimed to the whole earth.”

^{xxxi} In original: “My language, no doubt, seems new to you. Could it be that after having overwhelmed you with sorrow, I should even yet force you to admire my courage? But it is finished. The poison consumes me. My strength is leaving me. The pen falls from my hand. I feel even my hatred weaken. I am dying.” *Persian Letters*, CLXI, 279–80.

LS: We discussed this last time. What Montesquieu means—how far he would go in making the heart the pivot of marriage, that is hard to say. If this is taken literally, it would make marriage entirely dependent of all the whims and ups and downs of passion and non-passion, but I couldn't say. Montesquieu was much too sane a man, and a high magistrate, to believe that you could make the heart sole criterion [of] whether a marriage is to be preserved or not. Think only of the question of children. Yes?

Student: Do you think that Montesquieu deliberately quoted the Bible—it is finished—in the New Testament? Does this mean more than the fact that I am dying, but that I have accomplished a mission. There is an interesting parallel that Roxane rewrote the law according to the laws of nature; you could say Christ rewrote the Jewish law [according]—

LS: Yes, but no reference to the laws of nature. But not there. It has been said to the old ones,⁶ [but] I say unto you—not an appeal from tradition to nature. That would surely be the difference.

Before we go on and as long as we have the time, let us make a brief survey of the *Persian Letters* as a whole. I will survey now the chief points, both substantive and formal—and I'm sure I omitted many things, but some are perhaps provided for, but I may have omitted some things which should be in such a very general survey, and I ask you to remind me when I am through.

In the first place, these are letters of Persians. Why of Persians? And not for example of American Red Indians? This is not entirely far-fetched. There is a story by Voltaire, [*L'Ingénu*], *The Naive One*,^{xxxii} where a Red Indian who comes to France, expresses his amazement about the fantastic things the French do. Now obviously a Persian, in contradistinction to a heathen from North America, is a believer in the revealed religion, and so the whole problem of revealed religion must come in in such letters when they are Persian letters. And secondly, a Persian, being a Shiite in contradistinction to a Sunnite, corresponds in a crude way to the difference between a Protestant and a Catholic in Christianity.

Now the Persians look at France around 1707 or so with foreign eyes. They are amazed. They do not take things for granted. They are not “prejudiced,” which means not prejudiced in favor of Europe; they have prejudices of their own of course. And they look, first, at events of the time, say the death of Louis XIV⁷; [and] then, which is more interesting, at the manners of the time, *les caractères*, the characters, you know the poets, the flatterer, the courtier, or whatever it may be; and thirdly and above all, the characters of France or of Europe which are not peculiar to this particular time, such things as monarchy in contradistinction to Oriental despotism, and above all Christianity in contradistinction to Islam. They look around. Some things they find in Europe are good; others are bad. Montesquieu shows how Oriental prejudices affect the Orientals' judgments on France, and he himself speaks through the Persians: *persona*, the Latin

^{xxxii} Voltaire, *L'Ingénu* (1767).

word, from which person is derived, the mask through which you . . . someone, use them as his mouthpiece. Now this is the most obvious feature of the work.

Let us now turn to the action. Yes?

Student: Do you mean to say that there are two different ways that Montesquieu uses them—one is sort of his mouthpiece as a Frenchman, the other to show how an Oriental . . . Oriental prejudices would come up.

LS: Yes, that is something different. One would have to distinguish them.

Now the second important point is the action, and by this I do not mean the action as we have observed it in the last few letters, you know the explosions in the seraglio, but the changes which the Persians undergo by being in France. They become liberated from their prejudices, and in this respect they are models for the Europeans. Just as these Muslims liberate themselves from their Muslim prejudices, the Christians should liberate themselves from their Christian prejudices. The Europeans must do regarding their prejudices what the Persians do regarding the Persian prejudices. Number 97 is especially important in this respect. In a way the Persians become assimilated to Europe. They find it very interesting to see women without veils and other things which they found very attractive. They have become assimilated to Europe, but is there not a limit to the Persians' assimilation to Europe?

Student: Rica, being younger and without a family, was totally absorbed.

LS: But is there not a limit? I mean an absolute limit, not a little point.

Student: They constantly make comparisons.

LS: They do all kinds of things which they would never do at home. There is one limit.

Student: Usbek is committed to the system at home. He has a seraglio and he maintains it.

Student: They remain Muslims.

LS: Yes, but—they do not become converts to Christianity. That's I suppose what you also meant. Yes, obviously, but we have not considered that. They remain Muslims, which is of course also a model for the Europeans, who also will liberate themselves from their prejudices and still remain in a sense Christians. But do they remain Muslims? They remain Muslims externally. Islam is for them a prejudice as well as Christianity. It is only their domestic prejudice.

Number 119 is I think the most important document of this. I must confess I do not remember now what Letter 119 was. It is a letter from Usbek to whom? Probably to Rhedi. Oh, yes, that is the letter about the depopulation of the world. The key point

here—religions are turns of the imagination, manners of thinking. While they have ceased to be Muslims, they do not become Christians. And the reason for this is because there is an alternative to all revealed religion. And that alternative we may call natural religion and natural morality. Natural morality is indicated sufficiently by the word justice. The Golden Rule in its negative or positive formulation. And natural religion, what is that? The always present God, we can say, in contradistinction to the God who reveals himself whenever he chooses.

This distinction is made in a mocking spirit indeed by Plato in the *Timaeus*, when he describes how the *demiourgos*, the artisan of the universe, made the gods, meaning by gods here the cosmic gods, which⁸ move the stars and so on, and then he distinguishes them from the gods which are seen regularly, regular motion, and then the other gods who reveal themselves to human sight as they see fit, as they choose. So I use this distinction here for defining what one can mean by natural religion, the always present god.

This means of course that it is necessary to give a criticism of the gods of revealed religion. And that plays a very great role throughout the *Persian Letters*: the biblical God like an Oriental despot; the Christian priesthood like eunuchs, and eunuchs refer to a master; or the biblical God is like the owner of a harem, like the jealous Usbek, and hence his subjects are women, but of course they must also be properly understood as effeminate men. This is a formula of Machiavelli, the disarmed world is under Christianity and the disarmed harem.

Now the third stratum, and in a way the most important, is the critique of natural religion and of natural morality. As for the critique of natural morality, the most radical formulation one could find is this. Natural morality is traced to self-preservation, but as we have seen in Number 89, self-preservation also leads to the desire for glory, that is to say to something which is incompatible with justice as derivative from self-preservation, because the desire for glory will disturb that peace and harmony to which our concern with self-preservation by itself aspires.

As for the natural religion, we have observed at the beginning on the section on the Troglodytes, in the letters on the Troglodytes, that the Troglodytes are polytheists, not monotheists. In accordance with this, the superiority of pagan antiquity, especially of the Romans, to Christians and Muslims, think of Number 114 as a defense of suicide with reference to the Romans. But here comes in something which cannot be reduced to classical antiquity, namely the progress characteristic of modern times—one word, Newton. Therefore the criticism of natural religion cannot simply be traced to classical influences.

The most simple form of the critique of natural religion which I found in the *Persian Letters* is in the formulation of Spinoza, the identification of God's will and his intellect. This leads immediately to the conclusion that the universe is eternal, because God always knows the universe—according to the traditional doctrine, the theological doctrine,

because he is omniscient and unchangeable—but if his will is identical with his intellect, then he always wills it, and what he wills is.

We have also observed the contradiction, or the alleged contradiction, between divine omniscience and human freedom.

I also remind you again, although this belongs perhaps rather to the sphere of natural morality, the questioning of the prohibition against incense in the first letter from Ibben, number 67.

So these were I think the main strata of the argument of the *Persian Letters*. Now I may have omitted some things which are equally⁹ basic and important, and then remind me of them. Or let us at least discuss it, because even if I should be right, I must show that I am right.

Student: I would like to repeat something. You mentioned that natural morality was traced back to antiquity and the Troglodytes and such, but that wasn't simply the answer, because the progress of modern times was superadded to this—you said you could sum this up in a word. What was that?

LS: Newton. Sir Isaac Newton. You know we had so many times these little questions—some came up today, why the three-star man, these characters of the various letter writers, Usbek, well, we know that Usbek is older than Rhedi and this kind of thing, but they remain rather shadowy. Perhaps we did not read carefully enough. Perhaps they are always shadowy, and this is not a masterpiece, although it contains some very beautiful things. You couldn't help laughing more than once, as I have observed. And there are even other things which we have not read in class which are also very hilarious. Mr. Bruell, I'm sorry.

Mr. Bruell: If the critique of natural morality is thoroughgoing and complete, then how does Montesquieu account for or what is the account of his writing the book?

LS: Truth. To teach the truth.

Mr. Bruell: But that—in a sense it has to be taken for granted that that's good. In a certain sense that becomes an irrational motive.

LS: [Yes], but you only have to consider, as in all practical questions, what is the alternative? Will you abandon any concern with the truth? Then you will become the slave of any ruling opinion, superstition, or what have you?

Mr. Bruell: But he doesn't have to write it.

LS: Well, perhaps there is on the lowest level a desire for glory, on a higher level a love of his fellow human beings. Could this not be?

Mr. Bruell: I suppose it could, but it would seem to be contradicted somewhat by his critique of natural morality.

LS: Why? That one should—I mean, look, the desire for glory may animate the conqueror, who is a kind of *fléau*, flail of the human race; and therefore that is in conflict with natural morality as is indicated by the Golden Rule. But if there should be a possibility of harmonizing, bringing into harmony, natural morality and desire for glory, would this not be preferable? Namely, to be active on behalf of human well-being and derive glory from that. Would that not solve this difficulty?

Mr. Bruell: I'm not sure.

LS:¹⁰ I mean if you have on a primary level a clear conflict between desire for glory and the Golden Rule, but could you not on a higher level have a concord between the two things, namely glory achieved by helping one's fellow men—I mean not only one's fellow nationals as a conqueror, but all men who can use their reason. Up to this point, if no further difficulties arise, would this not be a satisfactory solution?

Mr. Bruell: I suppose. I don't understand it enough to take any further

Mr. Mueller: I think that this figure of the philosopher in one of the last letters is very much like Descartes, cutting up the neighbors' dogs to study anatomy.

LS: Sure, but not only Descartes.

Mr. Mueller: But especially because of his last anatomical work, in the *Discourses*.

LS: But also with a view to possible benefit for the human race.

Student: When you were speaking of natural morality being based on the Golden Rule, what you meant was it was still being based on fear?

LS: No, not merely on fear. It is a simple argument of the Troglodyte letters. What happens if we behave in a beastly manner toward each other? The war of everybody against everybody, and it would be ruinous to every one of us. Therefore let us behave decently toward each other. This was I think a simple lesson of the Troglodyte letters. And the question was only, is this a sufficient solution to the moral problem? [This simple] calculus. Because as you know from Plato's *Republic*, Glaucon's long speech, you can derive all the benefits from society—that you have police protection and other things—and yet parasitically exploit the society by being dishonest. You behave like an honest citizen and yet you cheat society somehow. That is, after all, the ring of Gyges. And that is what of course the truly clever criminals, those who will never be caught, do.

Student:¹¹ [You say] Montesquieu realized [this]—

LS: He surely knew of that problem, but this remains open here. [And] the only answer which he can give and which is sufficient for this purpose is: well, let us find out a form of government and of laws which makes crime, an anti-social posture, very difficult. Have a first-rate police and speedy and spectacular punishments as Machiavelli would say—you know not so long and drawn out legal procedures, people are more impressed by what they can do against the law than by what the law can do to them. This would be one point. There remains also the possibility that there is something else in man, in Christian language, conscience. In the language of Plato, the love of the beautiful, of the noble, and to what extent Montesquieu provides for that is very hard to say, not very visibly—I mean in both works, the *Persian Letters* and the other.

Student: In the *Spirit of the Laws*, I think Book 9, when Montesquieu is speaking about confederations, and in Book 10 when he is speaking about the theory, he founds that the conqueror should not violate too terribly the conquered people on this Golden Rule, and it was pushed back to the fact that it was the conqueror's best interest not to interfere and so on. I found that in these letters I was surprised to see Montesquieu say that what made Rome great and what made republics great was the sedition, and England great, sedition and revolution.

LS: You know that is an old Machiavellian point, which is surely not very visible in the *Spirit of*^{d2} *Laws*, but of which one can find some trace more clearly here. One can state the Machiavellian position in a relatively inoffensive manner. You know Machiavelli sometimes likes the most offensive statement, but you can state it in an inoffensive way. Machiavelli argues against the tradition, both biblical and classical. You all are concerned with justice; so am I. But the question is, how to get justice? To get some degree of justice in human affairs? And Machiavelli says you won't get it by preaching; that is the simple point which has been repeated n times and is being repeated up to the present day by the people who continue the tradition founded by Machiavelli. So how can you get it? Answer: by the right kind of institutions. Institutions which make it a bad bargain to live unjustly, and then you develop that. One form, and a very successful form in a way, is of course the modern democratic doctrine. Here where, as it is claimed with some justice, the regime does not tolerate in principle the ruthless exploitation of men by men, because all have the same vote, and by using this weapon, even the poorest and helpless fellow can, and especially if they have sense enough to band together, protect their interests. That's part of it.

In other words, Machiavelli would say the morality of the individual is much less important than the institutions. Well, nothing has been more victorious as you see from every daily paper. Crimes—who is responsible for that? Not the criminals of course, but society. That is a fashionable following. But the main point is institutions rather than exhortation. Education of course is said all the time, but education of course means something very different. Education means here in our age information rather than formation of character which is meant when Plato and Aristotle spoke of it.

So Montesquieu cannot of course be identified with present-day theorists, it goes without saying, but he is one of these people who modified the Machiavellian project

and made it more acceptable—what one can call the economic solution is a modification of Machiavelli. That if all people have sufficient food, housing, and the other necessities, then there will be no crime. Or what remains of crime is then simply not crime, but is an unfortunate disease, and in a wealthy society you can have a psychiatrist for every 100 people. If we don't feel quite well we go to a psychiatrist and say, take care of my moral problem, and he will do it without any effort on our part.

Student: Who does Machiavelli believe taught that men would change solely by exhortation?

LS: No, not solely, but importantly of course. I mean Plato and Aristotle knew how important institutions are, but they however assumed that there are people—that it is possible to have a society in which gentlemen rule. The most desirable solution would be that in which they would rule without any hindrance, i.e., that they would rule absolutely, they would be the only ones to have a say in society. If virtue is available—

Student: Accepted—

LS: No, not accepted, because if it is accepted, then you make virtue dependent on vice, on non-virtue, that it is acceptable to non-virtue. But it must have in itself the power to make itself accepted. The gentlemen would have to be the only men armed and so on—things which Plato develops in the *Republic* and Aristotle in his *Politics*.

But this is exactly what Machiavelli questions. These gentlemen don't exist. An individual man can be a gentleman, but you will never have a ruling class which will be virtuous. And what he does is to show that the Roman ruling class, which was generally regarded as a model of virtue in the political sense, were hypocrites. There is no difference between them and the oligarchs, you know the bad thing of which Plato and Aristotle spoke. You won't get that. There will always be some decent people—there is no doubt about that. But politically that is irrelevant. You have to build society on something different.

The formula which he uses so frequently especially in the *Prince* is, when he's speaking of the prince and his counselors, for example, the prince must make his counselors good and keep them good. They will not be good without being made good and kept good. What does it mean? For example, he must pay them decently so that they will not betray him¹³ [to] his neighbor; and of course he must always have reasonable distrust and check on him, that is to make a man good and keep him good. As Machiavelli points out also at the beginning of the *Discourses*, the legislator must assume that men are bad. What does this mean? In a way that is only a commonsensical statement, which is not surprising, one doesn't have to think of original sin in this context. But it goes deeper here. Machiavelli means there is no natural directedness of man towards society, and therefore this non-existing directedness toward society must be replaced by external mechanical means, and these are in the simplest form stick and carrot. There are infinite complications of that and sophistications, but fundamentally it is this question, is man by nature a social and political being or, if not, then stick and carrot or a modification of that.

Student: So the difference between them is not exhortation and non-exhortation, but understanding about man's nature.

LS: Yes, but this is underlying it. If man has a natural inclination in the classical sense, then an appeal to that nature will do, whereas in the other case this appeal will be just a waste of words.

There is another story, at least in my edition of the *Persian Letters*, *Arsace et Ismène*, *An Oriental History*.^{xxxiii} This is also, like the *Persian Letters* to some extent, a love story. There is one passage of special interest—this is not available in your translation, I suppose? No.

He describes here a situation in which we, namely the lover and his beloved, are worshipped by that small nation which forms a household. “We¹⁴ loved each other . . . and I. And undoubtably the natural effect of love is to make happy those who love each other. But this general benevolence which we find in those who are around us can make us happier than love itself. It is impossible that those who have the heart well built [the right kind of heart] do not please themselves in the midst of this universal benevolence. Strange effect of nature. Man belongs never so little to himself than when he seems to be in the highest degree. The heart is never the heart but when it surrenders, when it gives itself, because its enjoyments are outside of it. And the opposite to this benevolence kindred with love is pride. Pride, by possessing us, prevents us from possessing ourselves, and, by concentrating us within ourselves, brings there always sadness. This sadness comes from the solitude of the heart, which feels itself always made for enjoying and does not enjoy, which feels itself always made for others and does not find the others.”^{xxxiv}

So we have here an opposition between benevolence, natural benevolence¹⁵—that would be something like natural sociality—and pride, the isolating and destructive thing. One finds some traces of that also in the *Spirit of*^{d6} *Laws*, but it is not the nerve, I think, of Montesquieu's thought.

This story is a fairy tale. Two lovers, the prince and the princess, who are perfectly happy in their love, and they undergo of course all the difficulties. There are hostile forces which prevent their union and so on, but their love is never questioned, never becomes doubtful. At the same time—these perfect lovers are at the same time the perfectly just rulers. This is however a fairy tale. Justice and love are not in such a natural harmony as they are here presented in a fairy tale, and this is another indication of the problem of which Montesquieu was aware.

We have come across quite a few passages in the *Spirit of*^{d7} *Laws* which indicate this difficulty. What I remember is [only] this critique of Sir William Petty about the worth of a man, you know the monetary worth of a man . . . and Montesquieu says, well, that is the

^{xxxiii} Montesquieu, *Arsace et Ismène* (1794).

^{xxxiv} Montesquieu, *Arsace et Ismène*. Apparently Strauss's own translation.

worth of an Englishman, because in other countries a man is worth much less and in some countries the man is worth even less than nothing. Namely, if you have overpopulation, famine, what becomes then of the rights of man—if one elaborates this point. This is another way of indicating the same difficulty. Do you remember any of these passages in the *Spirit of*¹⁸ *Laws* which I do not remember now?

If Montesquieu had accepted this view that man is by nature social, with all its implications, why did he turn away from virtue as presented in the first part of the *Spirit of*¹⁹ *Laws*?

Student: When you say that man is naturally social, that doesn't necessarily mean that human society is possible without these external aids. Man might be social in the sense that he ordinarily lives in a society, but the result of that could be bad unless you bring in some ingenious devices. The sociality could result in sort of constant civil war too—

LS: Surely the question is more complicated. Take, for example, another way—it is not very easy to recognize these things at a first glance. One of the modern philosophers, Spinoza, says also, yes, come to think of it, man is a social animal, as the Scholastics have said. But what does he mean by that? He does not mean the natural sociality in the Aristotelian sense, but this: we have pains and pleasures, and of course primarily we are concerned with having our pleasures and avoiding our pains. But then a certain mechanism takes over—which was called by Jung later on the association of ideas—so that²⁰ [when] I see another man being pleased, I am affected not only by the fact that he is another man, i.e., not I, but also that he is pleased, and to that extent his being pleased pleases me. Similarly, regarding another man being pained, I see not merely that he is²¹ another man, and therefore to hell with him it's not my pain, but it affects me because it reminds me of my pain. This is the starting point of Spinoza's construction where he leads to something like natural sociality.

But when you look at the basis of Spinoza's whole political argument, it is the simple principle right equal to might. He goes in a way even farther than Machiavelli does because he reduces this to a simple form. That Spinoza wished was sure, that this was the possible basis, and in fact the only possible basis, for having a free and humane society—I know that, but that is a great question. In other words, just as Machiavelli's terrible statements are ultimately in the service of something which was as humane as he thought would be possible and compatible with the human condition, the same is even more true, one could say, of Spinoza. So one has to understand man's natural sociality in a stricter sense, not only the mechanism of sticks and carrots, but there can also be an intrapsychic mechanism which produces a certain sociality. Do you see the point?

Student: It seems to me there are many other ways in which you would get something resembling the natural sociality of man which wouldn't even be as favorable as that as a basis of society. Simply [the] desire²² for glory, and let's say that's an outgrowth of the desire for self-preservation. So given a desire for glory, that also implies a certain a sociality.

LS: That is quite true, and this of course implies a radical criticism of the modern position, in its early stage, namely²³ Hobbes—we should take Hobbes as a clear case—man is asocial because he is driven so much by the desire for superiority over other human beings. Now this very fact to which Hobbes appeals proves that man is by nature social. Why is he so much concerned with others, with recognition by others. That's what you mean?

Same Student: Yes, but given man's natural sociality understood that way, and let's assume that Hobbes was wrong in calling that an asocial state, that really proved the opposite—

LS: But you cannot leave it at that. You must go beyond that, so that even if human viciousness and nastiness proves man's sociality, then there is also the possibility at least that man's sociality has forms more conducive to peacefully living together than these things which are as such dangers to peacefully living together.

Same Student: The immediate reaction to that would be well, let's find a basis for society which ignores the fact that man is a social being because man's natural sociality is his desire for domination over everybody else—

LS: All right, well, then I would say let us proceed first of all empirically and see whether that is the only way in which man's sociality shows itself. Whether there are not also signs to be observed from time to time as much of man's being affected by the sufferings of his fellow man, for example, a willingness to help, which would also have its place.

Now do you have any points regarding the general things characteristic of the *Persian Letters*?

Another Student: His story of the Troglodytes appears somewhat similar to his description of the ordinary republic at the beginning of the *Spirit of the Laws*. He talks about the extraordinary republic as a singular institution as far as the republic of Plato and so forth, but then after that he says that those are sort of extraordinary, but then he talks about the ordinary republics, and that seems to be the Troglodytes, agriculturally based and special institutions such community

LS: Yes, I think with the Troglodytes there is nothing of communism suggested as far as I can see. What do you infer from that?

Same Student: In the *Spirit of the Laws* that ordinary republic finally gets rejected in terms of something else, and I was wondering whether there was any movement away from that story of the Troglodytes in the *Persian Letters*. If there is, it does not seem to be as clear, that story seems to stand to the very end. Within that story itself there's the old man who says the only reason you want me be king is so that you can enjoy life a bit more and you don't have to be so strict with yourself which sounds reasonable enough,

but somehow you'd expect from the *Spirit of the Laws* that later on in the *Persian Letters* you would get some support for the old man they wanted.

LS: But I would say [is not] the society of the Troglodytes²⁴ a [very] simple society, and is not the case made later on in the *Letters* for commonwealth, for science, a sign that he was [as little] satisfied with the Troglodytes as Plato was with the city of pigs? That something is a nice society, a nice people, but something very important is not developed there? Just as the city of pigs is very nice, but the greatest powers of man, the highest powers of man are dormant. Something of this kind can be ascribed to Montesquieu without any hesitation.

Another Student:²⁵ [Is] there any simple republic in the *Spirit of the Laws*? They all turn out to have their peculiar or unpeculiar overriding end, one particular end beyond that of republics, so can they last on their own terms, is there any stability for the simple republic?

LS: That is surely . . . but that would be applied to all societies, that they are mortal, from Montesquieu's point of view.

Same Student: [But] I would think that the commercial society with balanced institutions and freedom has more stability—it has several ends. Liberty and commerce.

LS: But that shows up by the fact that their members are on the whole happier than the members of other societies. I mean in Sparta, the Spartans might have been quite happy but what about the helots and the slaves? And in such a commercial society,²⁶ [you would] have the greatest happiness of the greatest number. But mortal they would all be, I think.

Same Student: But the others, if they have particular essences, their own being, then they are unstable essentially. The commercial one is mortal, but another one can arise.

LS: The question of stability he discusses above all when he speaks of the confederalists, doesn't he? I mean how great can be the stability of a state against foreign enemies. And there he says the society must have a certain size, and if the society itself does not have it, you must bring it about by alliances, by firm alliances.

Student: In the *Spirit of the Laws* you mentioned²⁷ [in] contradistinction to Sparta or Plato's *Republic*, agricultural democracy,²⁸ [as] described [by] Aristotle in the *Politics* as being a sort of ordinary republic dedicated to virtue without any spectacular things . . .

LS: So then that concludes this seminar, this will be the last meeting.

¹ Deleted “are.”

² Deleted “the.”

³ Changed from “and here is.”

⁴ Deleted “and.”

⁵ Deleted “one.”

⁶ Deleted “that.”

⁷ Deleted “but.”

⁸ Deleted “will.”

⁹ Deleted “as.”

¹⁰ Deleted “No.”

¹¹ Deleted “Did.”

¹² Deleted “the.”

¹³ Deleted “for.”

¹⁴ Deleted “lovers–they.”

¹⁵ Deleted “and.”

¹⁶ Deleted “the.”

¹⁷ Deleted “the.”

¹⁸ Deleted “the.”

¹⁹ Deleted “the.”

²⁰ Deleted “then.”

²¹ Deleted “not merely.”

²² Changed from “It’s simply a desire.”

²³ Deleted “that.”

²⁴ Moved “is not.”

²⁵ Deleted “Are.”

²⁶ Deleted “they.”

²⁷ Deleted “a.”

²⁸ Deleted “and.”